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Policy Information

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HR-404

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Classified Staff Human Resources Policy Manual 117.0

University Handbook for Appointed Personnel 206.14

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Purpose and Summary

The University is an Equal Employment Opportunity employer that actively seeks a qualified, diverse workforce. The University's Recruitment policy describes its commitment to conduct competitive searches to enhance the excellence of the University's workforce. The University recognizes, however, that there may be situations in which a compelling justification exists to make a noncompetitive selection. This policy describes circumstances that may justify an appointment without a competitive search. The hiring authority that applies these standards to hires must meet the procedural requirements below. The University monitors and audits compliance with the procedural requirements and their good faith application.

Policy

1. Emergency Hire

A. **Instructional faculty:** In an emergency situation—i.e., illness, death, unexpected resignation, or vacancy for a position crucial to an instructional need occurring less than 30 days from the required start date for the course or during the course of the semester—a department may hire a faculty member on a temporary basis without a competitive search. The unit must begin a competitive search immediately thereafter, to ensure that the unit can select a candidate by the beginning of the next semester. (If a regional or national search is required and could not reasonably be concluded in time for the next semester, then the Department may temporarily hire a faculty member in order to provide coverage for the next semester.)

B. **Non-faculty positions critical to the operations of the University:** In an emergency situation in which failure to fill a vacancy would compromise the operations of the University, the University may temporarily hire someone to fill the position while it conducts a competitive search. These appointments shall only be made when the position could not reasonably be filled by a referral from a temporary agency or the Department of Economic Security.

Procedure: Documentation for an emergency noncompetitive faculty or nonfaculty hire must contain a justification letter explaining the circumstances.

2. Hires of Individuals Specified in a Grant, Spousal/Partner Hires, and Hires of Individuals Named in a New Employee's Letter of Offer.

A. **Grant or contract positions:** Principal investigators may hire individuals specifically named in grants or contracts without conducting a competitive search. Other positions funded by research grants and contracts shall be filled according to University recruitment procedures.

Procedure: Documentation for a noncompetitive hire of an individual named in a grant or contract must contain copies of the pages from the research grant or contract specifying the person(s) selected. A copy of the award letter must also be included.

B. **Spousal/partner hires:** No competitive search will be required if an individual's letter of offer, employment, or retention agreement includes a requirement that, as a condition of the individual's acceptance, the University will hire his/her spouse or partner, so long as the President, Provost, or Senior Vice President for Business Affairs approves such condition prior to the extension of the letter of offer, employment, or retention agreement.

Procedure: Documentation for a noncompetitive hire of a spouse or partner must contain a copy of the spouse's or partner's letter of offer, employment, or retention agreement specifying that, as a condition of the individual's acceptance, the University will hire his/her spouse/partner.

C. **Other individuals named in a new employee's letter of offer:** New employees who, as part of their employment contract negotiations, desire to hire other named individuals to assist them with ongoing work may hire those individuals without a competitive recruitment, so long as the President, Provost, or Senior Vice President for Business Affairs approves those hires prior to the extension of the letter of offer. (For example, a researcher may be permitted to bring with him/her to the University of Arizona key research associates who are currently employed by the researcher's previous employer.)

Procedure: Documentation for a noncompetitive hire of an individual named in a new employee's letter of offer must contain a copy of the primary employee's letter of offer, specifying the names of the individual(s) and other documentation showing approval from the President, Provost, or Senior Vice President for Business Affairs.

3. Strategic Opportunity Hires

On rare occasions, the University may identify an individual whose expertise and skills are aligned

with pressing University needs or strategic priorities. When time, resources, or competitive market pressures threaten the University's ability to attract such an individual on a competitive basis, a Dean or Vice President may recommend hiring that individual on a noncompetitive basis to the President, Provost, or Senior Vice President for Business Affairs.

Procedure: Documentation for a noncompetitive hire of an individual designated as a Strategic Opportunity Hire must show approval from the President, Provost, or Senior Vice President for Business Affairs.

4. Visiting Scholars and Research Collaborators

A. **Professors on sabbatical from other institutions**

Procedure: Documentation for a noncompetitive hire of a professor on sabbatical from another institution must contain a justification letter explaining the hire or a copy of the letter authorizing the sabbatical.

B. **Visiting scholars chosen by the funding source (e.g., Fulbright scholars and scholars funded by foreign institutions)**

Procedure: Documentation for a noncompetitive hire of a visiting scholar chosen by the funding source must contain a justification letter explaining the hire or supporting documents indicating the funding source.

C. **Visiting research collaborators (applies only to individuals currently employed at another institution or agency and collaborating on an ongoing research project)**

Procedure: Documentation for a noncompetitive hire of a visiting research collaborator must contain a justification letter explaining the hire, including the date the research project commenced.

D. **Exchange visitor (applies to individuals from institutions with which the University has an exchange agreement)**

Procedure: Documentation for a noncompetitive hire of an exchange visitor must contain a justification letter explaining the circumstances or a copy of the exchange agreement.

5. Project-Specific Appointments (Applies Only to Non-Benefits-Eligible Positions)

A. **Highly specialized expertise is needed for a project limited to a maximum of 89 days.**

Procedure: Documentation for a noncompetitive hire of an individual who will perform a specific project must contain a justification letter explaining the circumstances.

B. **An individual is needed to teach a noncredit, instructional class controlled by the individual.**

Procedure: Documentation for a noncompetitive hire of an individual to teach a noncredit instructional class must indicate a job title consistent with the appointment. Appointments of this type may be renewed indefinitely as long as no other individual is hired to teach this class in the interim.

6. Returning Employees

1. **Emeritus faculty.** Emeritus faculty may be appointed without a competitive search when they return to the same unit to perform the same type of work.

Procedure: Documentation for a noncompetitive hire of emeritus faculty must contain a justification letter explaining the circumstances.

2. **Retired employees without emeritus status.** Retired employees without emeritus status may be appointed without a competitive search when they return to the same hiring unit to perform the same type of work at the same or lower pay grade or rank if their break in service does not exceed twelve (12) months from the date of retirement.

Procedure: Documentation for a noncompetitive hire of a retired employee without emeritus status must contain a justification letter explaining the circumstances.

3. **Employees who have terminated their employment with the University.** Employees who have terminated their employment with the University other than for cause may be appointed without a competitive search if they return to the same hiring unit to fill their former position that has not been filled, if their break in service does not exceed twelve (12) months.

Procedure: Documentation for a noncompetitive hire of an employee who previously terminated other than for cause must contain a justification letter explaining the circumstances.

7. Advancement Due to Employee Recognition

In recognition of an employee's talents, contributions, and performance, a hiring authority may appoint a current employee to a different position within the hiring authority's area of responsibility without conducting a competitive search. Examples of these appointments include:

1. **Appointment to a position with higher pay or title**

Procedure: Documentation for a noncompetitive appointment of an employee to a position with higher pay or title must include a justification letter that contains the details of the appointment; a position description; and the employee's résumé, curriculum vita, or application form. If more than one individual could have been considered for the appointment, then the hiring authority must explain the appointment decision in the justification letter.

2. **Lateral transfer designed to meet the needs of a hiring authority's area of responsibility**

Procedure: Documentation for a noncompetitive lateral transfer of an employee must include a justification letter that contains the details of the appointment; a position description; and the employee's résumé, curriculum vita, or application form. If more than one individual could have been considered for the appointment, then the hiring authority must include this information in the justification letter and state why only one individual is being transferred.

Faculty transfers between tenure and other tracks should be made following the *Guidelines for Track Transfers across Tenure, Continuing-Status, and Nontenure-Eligible Career-Track Positions*, which is available on the website of the Vice Provost for Faculty Affairs.

Related Information*

Track Transfer Review: Guidelines for Track Transfers across Tenure, Continuing-Status, and Nontenure-eligible Career-Track Positions [2]

Revision History*

Section 7 revised 8/13/18

Revised November 2014

Source URL: <http://policy.web.arizona.edu/human-resources/noncompetitive-selection>

Links

[1] <mailto:hradmin@email.arizona.edu>

[2] <https://facultyaffairs.arizona.edu/content/track-transfer-review>