

## **Procedures for Submission of a Waiver for Faculty and Administrators**

As a federal contractor, the University of Louisville is required to engage in outreach and other efforts to broaden the pool of qualified candidates to include groups previously excluded. **Under “special circumstances”, a search may not be required.** In these instances, the Affirmative Action office will review requests for waiving the search. **Prior approval via the Recruiting Solutions system from the Affirmative Action office is required for all waivers.**

### **Grounds for Waiver**

Each waiver request will be considered on an individual basis. The following guidelines will be used to determine if waiving the recruitment process is appropriate under the circumstances.

**Departmental Reorganization** – When a department is reorganized, a position that is essential to the function of the department may become vacant. If such vacancy prevents the department from conducting its business, a waiver may be requested.

**Special Appointment Conditions** – Examples of special appointment conditions include: 1) Circumstances where a new academic appointment includes the transfer of the academic appointee’s employee(s) from his or her current institution to U of L; 2) Circumstances where an organizational entity or program moves to U of L along with specified current employees.

**Special Qualifications or Circumstances** – A request for waiver of external or internal recruitment may be made if there is known to the hiring official a person specially qualified for the position in light of: 1) a level of skill and/or expertise considered likely to enhance the performance and/or reputation of the unit demonstrably and materially; and/or 2) articulated extenuating circumstances faced by the unit and/or the institution as a whole.

**Promotional Opportunity** – A request for waiver may be made to offer a promotional opportunity to a person already employed at the University. Factors relevant in determining if a promotional waiver should be granted include, but are not necessarily limited to: merit of the employee as compared with the probable quality of the pool; duration of employment of the candidate in the unit; whether a line promotion in the unit would thereby occur; and whether such promotion will create a vacancy for which open recruitment may be initiated.

**Interim/Acting Appointments** – When a gap occurs between the departure of an incumbent and the appointment or employment of a continuing or permanent successor, an interim/acting appointment may be made. An appointment is titled interim/acting where an incumbent exists but is expected to be unavailable for a period of time or when there is a gap between the departure of the last incumbent and the selection of a replacement.

**Emergency Situation** – A variety of circumstances may result in an urgent need to fill a position. Waivers submitted in the case of an emergency must include the circumstances that created the emergency, how it affects the department and why the recommended candidate is best suited to fill the position. Emergency situations may include but are not limited to:

- resignation of an employee during peak business time (i.e., mid-semester)
- a potential candidate receives an offer from another institution
- a contract will end before a critical project is completed
- loss of an employee creates undue hardship on the department

**Health and Safety Reasons** – If the delay resulting from conducting a full recruitment for the position would endanger the health and/or safety of students, staff, faculty, or patients, a waiver may be requested. The waiver request must specify the health and safety conditions and the qualifications of the recommended candidate.

**Business Necessity** – If conducting a full recruitment would have a seriously negative impact on the operational effectiveness of a department or would violate a formal contractual obligation of the University, a waiver may be requested. The justification must specify the business necessity reasons and the qualifications of the recommended candidate.

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