

Federal Posting Regulation FAQ's

March 2018

1. How does the posting requirement affect lecturers in LOA status?

If the lecturer is in LOA status (not terminated/separated from the University) a posting is not required. However, if the lecturer has a break in service (terminated) they will need to reapply to a posted position even though they have taught for UofL in the past.

2. How does the posting requirement affect term instructors who are currently board-approved on one year (or multi-year) contracts and are eligible for contract renewals?

If their contract is renewed their position will not need to be reposted.

3. How does this posting requirement impact the current hiring process?

The process will remain the same; however, temporary positions do not require JDFs and temporary employees will not attend New Employee Orientation nor will they receive an offer letter. Human Resources will review proposed wages prior to granting contingent offer approval to the department.

4. Will T12s require preauthorization from Human Resources prior to posting?

Yes. Human Resources must review T12 job duties to verify exemption status.

5. Do I have to interview people for temporary positions?

Yes. As a federal contractor, the University is required by law to engage in an active recruitment and selection process to fill open positions. In addition, you will be required to assign dispositions to those not selected as well as the final candidate.

6. Do I have to post every temporary vacancy?

Yes. However, you may want to create some departmental pools for reoccurring vacancies.

7. What position number should I use to advertise a pool position?

Use the "5" position (parent position) to advertise. Then link vacant PCN to candidate who is chosen from the pool to hire. The unit has discretion to do 1 parent or multi-parents (by department).

8. Will departments receive discounts for pool position advertisements in the Courier Journal?

Yes. Courier Journal advertisements for department and/or discipline specific pool titles (i.e. Dental Assistant (Pool), Athletics Lifeguard (Pool)) are \$125.00 per year, no matter how long or how many times they are posted in one year.

HR has also created two “generic” institution-wide pool position titles for the Courier Journal advertisement: Temporary Lecturer (Pool) and Temporary Clerical/Administrative (Pool). There is no fee to the department for these two position titles. A department may forgo posting a department specific Courier Journal advertisement for temporary lecturer and temporary clerical positions. The department will be responsible for writing the actual posting for the UofL (HigherEdJobs) website, which should be department and discipline specific. There is no additional charge, regardless of the number of advertisements in HigherEdJobs for temporary clerical or lecturer positions as outlined above. For example, the Courier Journal advertisement for Lecturers would read, “Temporary Lecturer (Pool).” However, the department may have five different advertisements in the UofL ad for temporary lecturer pools such as, 1) Political Science Lecturer Pool, 2) Spanish Lecturer Pool, 3) History Lecturer Pool, 4) Creative Writing Lecturer Pool and 5) Criminal Justice Lecturer Pool. Note: **Departments will be responsible for managing their individual pools and determining how long they should be posted.**

9. How long do I have to post temporary positions (non-pool positions)? Does it have to be a minimum of 10 days?

Temporary positions may be posted for less than 10 days but no less than three days. Note: three day postings must run concurrent with Courier-Journal advertisements (Sunday, Monday, Tuesday).

10. How does the new posting requirement impact the current waiver process?

All open positions must be posted and a waiver will only be permitted if these exemptions apply:

- Executive and top-management positions as defined by regulation
- Internal positions as defined by regulation
- Positions lasting three days or less
- Reinstatement of employee within 18 calendar months of reduction in force

11. Could an active G12, S26, or temporary employee be waiver-eligible for consideration for another position within the university?

Yes, they could be waiver-eligible since they meet Step One of the waiver criteria. The G12, S26, or temporary employee would also be required to meet the criteria of Step Two of the waiver. Otherwise, the position must be posted.

12. If the department has a last minute need for a Lecturer, do I have to post the position?

If you have an ongoing need for Lecturers, it is recommended you maintain a pool. Because you have this ongoing pool, you meet the posting requirement. Another option is to ask another qualified, current Lecturer or Faculty member to teach the class.

13. How long is an interview pool viable?

Based on specific circumstances, Human Resources will review on a case-by-case basis.

14. Can a department bypass posting a position by asking a current staff member to teach classes?

No. If an employee is asked to teach and the position is not posted, the department must submit a waiver for consideration.

15. If an employee retires today, can they be rehired the next day without a posting?

No. If there is a break in service, the job must be posted.

16. How long does it take to process a waiver request?

Approximately 2-3 business days.

17. What if there is only one applicant or one applicant that meets the minimum qualifications of the job posting, can I move forward with the interview?

Yes, as long as you provide HR with an explanation of the pool composition.

18. What is the definition of a job posting?

At minimum, UofL advertises jobs in the Courier-Journal (newspaper) and HigherEdJobs.com in order to provide equal employment opportunities. However, it is always encouraged to advertise in additional mediums to attract as many qualified applicants as possible.

19. Can a student in pay group S26 transfer to a position in pay group T26 when they graduate?

Yes, if the student meets the criteria of Step One and Step Two of the waiver. If the student does not qualify for a waiver, the job must be posted. Note: If the student (S26) is being considered for a regular, full time position, and a waiver is approved, their accrual rates will automatically default to the first day they worked as an S26. Therefore, the department will be responsible for working with Business Operations in resolving this issue immediately following the transfer.

20. What is the definition of an executive/top management position?

(1) Any employee (a) compensated on a salary basis at a rate of not less than \$455 per week (or \$380 per week, if employed in American Samoa by employers other than the Federal Government), exclusive of board, lodging or other facilities; (b) whose primary duty is management of the enterprise in which the employee is employed or of a customarily recognized department or subdivision thereof; (c) who customarily and regularly directs the work of two or more other employees; and (d) who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees are given particular weight; or (2) any employee who owns at least a bona fide 20-percent equity interest in the enterprise in which the employee is employed, regardless of whether the business is a corporate or other type of organization, and who is actively engaged in its management.

21. Please define internal positions.

Employment openings for which no consideration will be given to persons outside the organization (including any affiliates, subsidiaries, and parent companies) and includes any openings which the organization proposes to fill from regularly established "recall" (i.e. Reduction in Force) lists. The exception does not apply to a particular opening once an employer decides to consider applicants outside of his or her own organization.

22. Since administrators fit the definition for executive/top management, do we have to post these positions?

Yes, all positions must be posted. Waiver requests may be submitted but should be limited to extraordinary circumstances.

23. How do you manage a spousal hire?

Unless the spouse meets Step One and Step Two of the waiver criteria, the job must be posted.

24. Do I have to post temporary positions in the Courier-Journal?

In order to provide equal employment opportunities, job advertisements must be posted to the Courier-Journal (newspaper) and on HigherEdJobs.com.

25. How long do I have to keep a pool position posted?

Departments will be responsible for managing their individual pools and determining how long they must be posted.

26. If I have a staff member who teaches a class, and is currently earning an X-pay, do I need to post the position next semester if I need someone to teach again and I'd like to consider the same staff person?

If they meet the waiver criteria for Step One and Step Two, you do not need to post the job. Otherwise, the position must be posted.

27. If we have a PTL who is teaching in one college and wants to teach a class in another college, do we have to post the job?

Yes, if they meet the waiver criteria for Step One and Step Two, you do not need to post the job. Otherwise, the position must be posted.

28. Does a full time Faculty member who teaches one course in a different UofL school have to submit a waiver request?

No, you do not need to submit a waiver request, however, it requires the approval of the “home” school Dean or chair.

29. Can a full time staff person apply for a PTL position?

Yes. However, the department must ensure the additional teaching duties do not interfere with the employee’s ability to fulfill the duties of the entire FTE of their current position.

30. Do departments have to complete a waiver for House Staff (pay group H12) who are selected to be Chief Residents (pay group F12)?

Yes, a waiver is required to document the selection process.

31. If I want to fill a temporary position with someone from a temporary work agency, do I need to complete the authorization to hire process?

Yes, there are times when a unit must use a temporary agency to hire a temporary employee. As such, the University has contracts with HR Affiliates, Medical Society, Delta Direct Staffing, and Management Registry. We have a number of ways to hire a temporary worker, which include going through HR/PM/Business Operations or using a purchase order (which does not require a PCN). If general funds are being expensed to hire a temporary worker whether using HR/PM/Business Operations or Purchasing, all are subject to the ATH process and BAC review.