

## Request for Search Waiver

This form does not require live signatures. It should be forwarded in an e-mail chain through the approval process.

1. **Department Chairs and Directors:** Prepare and submit request and justification/recommendation to Vice President or Dean.
2. **VP / Dean:** If you concur with request, please add your electronic signature to the form and forward the e-mail with attachments to [employment@louisville.edu](mailto:employment@louisville.edu).

Person to be Hired: \_\_\_\_\_ Start Date: \_\_\_\_\_

Position Number: \_\_\_\_\_ New Position: Yes No

Title: \_\_\_\_\_

Department: \_\_\_\_\_

*UofL EEO/AA Policy: As an Equal Opportunity / Affirmative Action employer and educator, the University of Louisville is committed to and will provide equal educational and employment opportunity for all of its students, faculty, staff, and applicants for admission and employment without regard to race, color, religion, age, sex, national origin, sexual orientation, gender identity, genetic information disability, or veteran status – except where age, sex, or ability are bona fide occupational qualifications for employment. Under limited circumstances, as defined below, the Dean/VP with the concurrence of the EEO/AA Officer may determine that a search waiver is in the best interests of the institution.*

### STEP ONE

Waivers must fall under one of the following categories. Please check the applicable category:

- Executive and top-management positions as defined by regulation<sup>1</sup>.
- Internal positions as defined by regulation<sup>2</sup>.
- Positions lasting three days or less.
- Reinstatement of employee within 18 calendar months of reduction in force.

### STEP TWO

Please check the applicable justification for the request:

**Critical Work Stoppage.** To acquire the services of an individual critical to institutional needs when operating requirements are immediate and a public search would result in undue delay or disruption.

**Special Skills.** To acquire the services of an individual whose academic, research, or professional qualifications are responsive to an express need of the institution and are so noted in their discipline as to negate a reasonable presumption that a better-qualified candidate would result from an open search.

**Reassignment or Lateral Transfer.** To reassign an individual within a unit, department, college, school, or division (or between major units with the joint concurrence of unit vice president or dean) to perform a new role (whether or not such role is time-limited or continuing in nature and whether or not such role is represented by a separate budgeted position) in order to achieve operational objectives – particularly in the instance of a nine-month faculty member being appointed to a 12-month academic or administrative role. (Check with your employment representative to determine if subject to staff reduction in force (RIF) rehire process.)

**Reinstatement.** To reinstate an employee who separated from UofL within the past 18 calendar months as a result of a reduction in force.

<sup>1</sup> 41 CFR 60-300.5 - Equal Opportunity Clause. (2014)

<sup>2</sup> Ibid.

**WRITTEN RECOMMENDATION FROM DEPARTMENT HEAD OR CHAIR:**

**ATTACH THE FOLLOWING DOCUMENTATION AND ROUTE FOR NECESSARY APPROVALS, IN SEQUENCE:**

1. The curriculum vitae or resume of the person you seek to hire without a search.
2. A current organizational chart showing position to be filled.

Manager/Supervisor Recommendation

\_\_\_\_\_ Date \_\_\_\_\_

Dept Head/Chair Recommendation

\_\_\_\_\_ Date \_\_\_\_\_

Dean/VP Approval

\_\_\_\_\_ Date \_\_\_\_\_

EEO Approval

\_\_\_\_\_ Date \_\_\_\_\_

**Definitions**

**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.

**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.