

## UPDATED Oregon State University Competitive Search Requirements

**Background:** Oregon State University (OSU) has a long-established practice of filling the majority of employment openings by conducting open/competitive recruitments, and filling a small subset of employment openings through the use of non-competitive hires (e.g. temporary staff appointments, academic wage appointments, or approved waivers of unclassified search).

**Change in practice:** Federal law now requires that OSU list every employment opening with the state Employment Service Delivery System (ESDS) unless one or more of the following criteria are met:

- Position will last **three days or less**; or
- Position is **executive or senior management**<sup>1</sup>; or
- Position will be **filled from within** the organization.

This requirement necessitates an immediate change in our established practice, since it applies to all full-time, part-time, and temporary openings (whether faculty or staff). Positions that do not meet these criteria must now be posted to OSU's online application system and filled competitively.

The attached flowcharts are for use in evaluating the federal criteria and OSU guidelines to decide whether a non-competitive hire may be considered for unclassified regular or temporary/academic wage positions and for temporary staff positions. Classified staff positions are already filled competitively except per provisions of the collective bargaining agreement. If a non-competitive hire is allowable under these guidelines, the hiring unit submits the request to the Business Center for review and approval; if a [waiver of unclassified search](#) is needed, the request must also be approved by the Office of Equity and Inclusion, or the Senior Vice Provost for Academic Affairs (for Provost's Initiative dual-career hires). The criteria and review process for proposals that reach this stage remain unchanged.

**Reasons for change:** Congress established this affirmative requirement so that US service veterans and disabled veterans have opportunities to secure meaningful civilian employment once their military service is complete. By establishing a minimum broadcast recruitment threshold, this change also supports OSU's goal to enhance the excellence and diversity of our workforce.

**Questions:** Please contact your Business Center, or Anne Gillies, Affirmative Action Associate in the Office of Equity and Inclusion ([anne.gillies@oregonstate.edu](mailto:anne.gillies@oregonstate.edu) or 541-737-0865), or Robbin Sim, Employment Program Manager in the Office of Human Resources ([robbin.sim@oregonstate.edu](mailto:robbin.sim@oregonstate.edu) or 541-737-3203) with any questions about this update or the flowcharts.

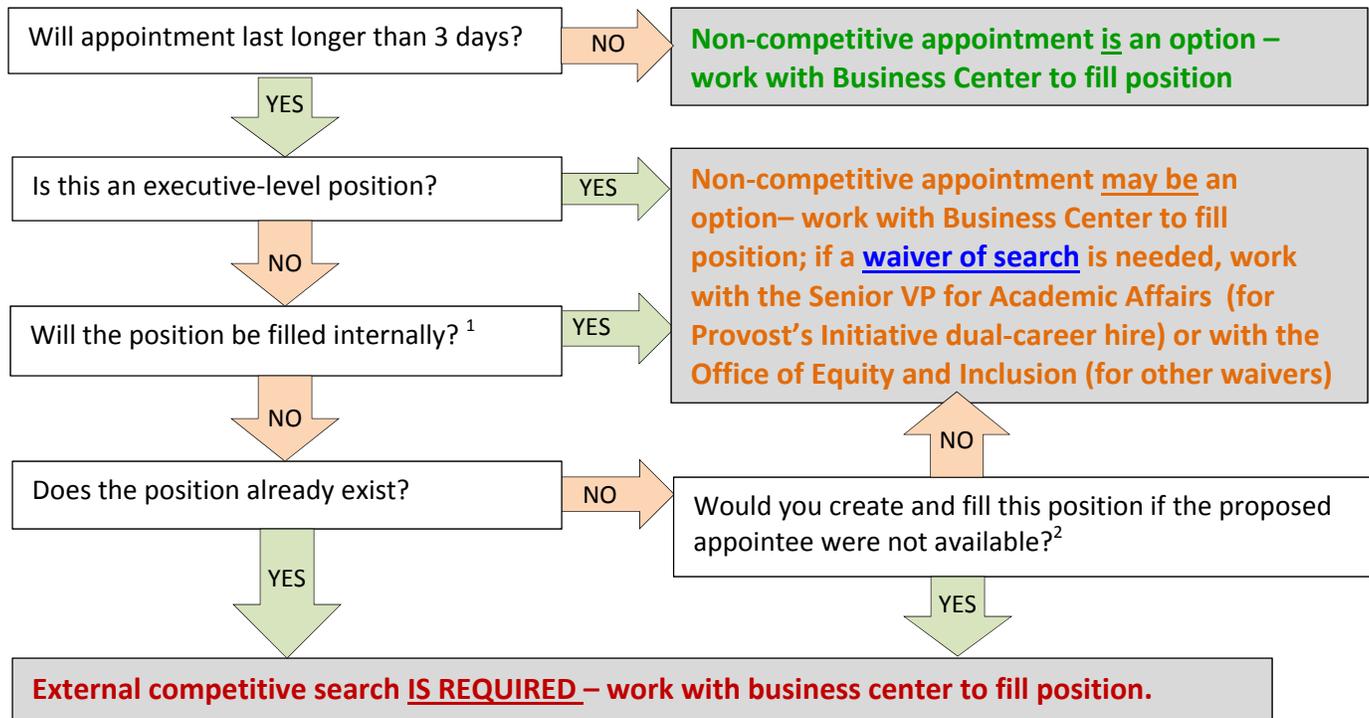
---

<sup>1</sup>*Executive or senior management* means any employee

- a) who is compensated on a salary basis at a rate of not less than \$455 per week 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 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.

41 C.F.R. § 300.5 (2013)

## Unclassified Flowchart – Determining whether a non-competitive hire may be requested



<sup>1</sup> **Internal employment opportunities** are filled from within the institution by candidates who meet at least one of these criteria:

- Be a *member of the OSU community*. The *OSU community* comprises:
  - **Employees**, including regular-status faculty or staff employees, individuals on approved leave from regular-status employee positions, temporary staff employees, and academic wage employees;
  - **Others** who have rights to OSU employment placement (such as represented employees for whom OSU has layoff or other contractual placement obligations, disabled employees with ADA placement rights, etc.);
  - **Courtesy and Affiliate Faculty** members;
  - **Workers** currently serving OSU in work that is similar to that for which the new job is hiring, such as individuals employed through temporary employment agencies or individuals providing services on sponsored program subcontracts;
  - **Trainees** such as postdoctoral fellows, postdoctoral scholars, clinical fellows, graduate research assistants, or graduate teaching assistants;
  - **Students**, such as undergraduate/post-baccalaureate/graduate students enrolled at OSU studying or working in the field of hire, student employees presently working at OSU but enrolled elsewhere; etc.
  - **Volunteers** who work in volunteer positions authorized by Risk Management ;
  - **Partners/spouses** of OSU community members;
  - **Retirees or Pool Instructors** working at OSU (or who have done so in the last 24 months);
  - **Former OSU classified employees** who left the institution in good standing within the last 24 months; - OR-
- Have been a *member of the OSU community* within the previous 12 calendar months as an employee, trainee, student, or volunteer (unless a 24 month gap is indicated above).

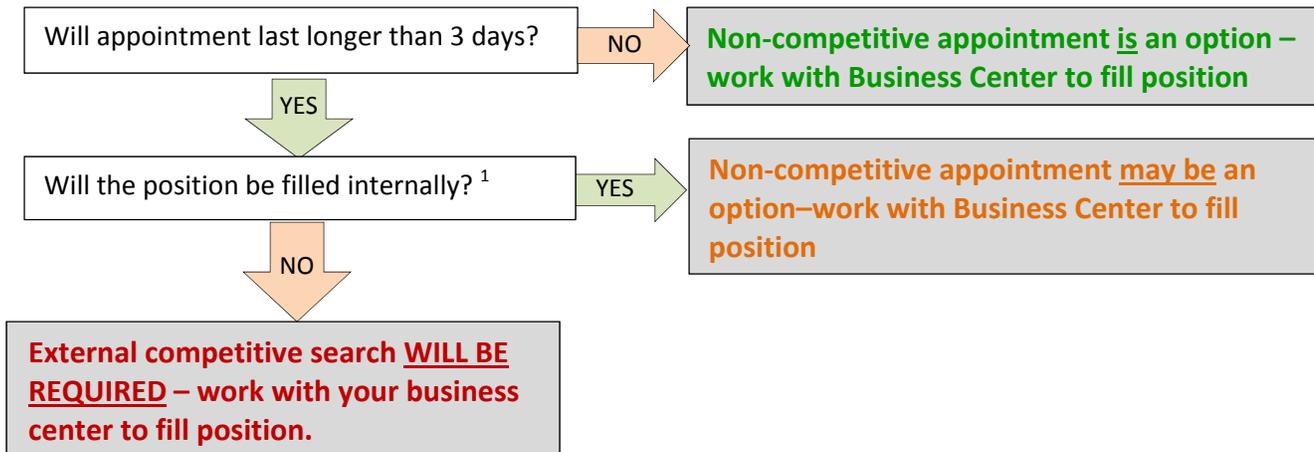
<sup>2</sup> **A position might be created only if the proposed appointee were available** in situations that include (but are not limited to) the following:

- This candidate is the PI on a new grant funded through OSU. We would not create the position were it not for this person’s grant.
- This candidate is the partner/spouse of a current or newly hired OSU employee, and a new position is being created for her/him as a dual-career accommodation.
- This candidate will be a visiting faculty member, such as a faculty member on sabbatical from her/his current institution.

## Classified Staff – No Flowchart

Classified staff positions are filled competitively, either through external or internal search. Exceptions are identified as provisions of the collective bargaining agreement.

### Temporary Staff Flowchart – Determining whether a non-competitive hire may be requested\*



<sup>1</sup> **Internal employment opportunities** are filled from within the institution by candidates who meet at least one of these criteria:

- Be a *member of the OSU community*. The *OSU community* comprises:
  - **Employees**, including regular-status faculty or staff employees, individuals on approved leave from regular-status employee positions, temporary staff employees, and academic wage employees;
  - **Others** who have rights to OSU employment placement (such as represented employees for whom OSU has layoff or other contractual placement obligations, disabled employees with ADA placement rights, etc.);
  - **Courtesy** and **Affiliate Faculty** members;
  - **Workers** currently serving OSU in work similar to that for which the new job is hiring, such as individuals employed through temporary employment agencies or individuals providing services on sponsored program subcontracts;
  - **Trainees** such as postdoctoral fellows, postdoctoral scholars, clinical fellows, graduate research assistants, or graduate teaching assistants;
  - **Students**, such as undergraduate/post-baccalaureate/graduate students enrolled at OSU OSU studying or working in the field of hire, student employees presently working at OSU but enrolled elsewhere; etc.
  - **Volunteers** who work in volunteer positions authorized by Risk Management;
  - **Partners/spouses** of OSU community members;
  - **Retirees or Pool Instructors** now working at OSU (or who have done so in the last 24 months);
  - **Former OSU classified employees** who left the institution in good standing within the last 24 months; -OR-
- Have been a *member of the OSU community* within the previous 12 calendar months as an employee, trainee, student, or volunteer (unless a 24 month gap is authorized above).

\*This chart does not affect other requirements for temporary employment established in the collective bargaining agreement