UNIVERSITY OF NEW ENGLAND

HIRING POLICY

APPROVED BY

UNIVERSITY COUNCIL

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HIRING POLICY
TABLE OF CONTENTS

HIRING POLICY CHECKLIST

FULL AND HALF TIME POSITIONS

- Hiring Supervisor initiates Approval To Hire Form.
- For non-faculty positions, the job description is updated, and if a new position or one for which upgrade is sought, a job classification description is completed.
- For faculty positions, a brief description of the position and its qualifications is created.
- Determine, with the assistance of the Human Resources Office, whether minorities or women are under-utilized in the given work area.
- Create a search committee (faculty or selected administrative/professional positions), and assure that either the search committee, Affirmative Action Representative, or the person doing the search gets a briefing from Human Resources.
- The Dean or Vice President of the area in which the hiring is being done should charge the search committee regarding search parameters.
- The position must be posted internally.
- Advertising should be placed as necessary by the Human Resources Office after consultation with the hiring office or search committee. Advertisements will be placed only after an Approval to Hire with authorized signatures is provided. Information about positions being searched for will be disseminated by the Human Resources office to local and statewide organizations serving women minorities, disabled persons, and others.
- Similar information will be distributed nationally to similar groups by Human Resources, with input from the hiring department or search committee.
- Create selection criteria, résumé evaluation format, and candidate evaluation format.
- Evaluate résumés, and screen down to a manageable number.
- Conduct telephone pre-interviews.
- Compare the demographics of the applicant pool, the pre-interview pool, and the proposed interviewees against the demographics of the relevant labor market, and take steps as necessary.
- Invite candidates to campus for interview.
- Prepare the interview schedule, and send it with relevant information to the candidates, in advance of the search.
- Distribute résumés, search information, evaluation forms, and legal/illegal pre-employment interview guide to interviewers.
- Assess evaluative feedback.
- Check references.
- Make offer.
- Prepare "Request For Contract" form or Personnel Action Form (whichever is applicable).
- Hiring Department of search committee should respond to candidates interviewed via phone or in person.
- Gather search materials, assure completeness of requisite documentation, and give to Human Resources Office to close search file.

UNIVERSITY OF NEW ENGLAND

HIRING POLICY

POLICY

It is the policy of the University of New England to conduct its hiring processes in a manner that assures that:

> The best qualified candidates are hired, searches are thorough, well documented, open and competitive, and fully consistent with the dictates of state and federal law and regulation.
>
> Candidates are treated courteously, respectfully, and professionally at each stage of the process.
>
> The University's work force reflects the diversity of society in general and of the relevant labor markets in particular, in accordance with the University's legal obligations as an Equal Opportunity/Affirmative Action employer.

PURPOSE

This guide is written in order to provide detailed guidance on how to conduct a thorough, effective search that is consistent with University policy and state and federal law and regulation.

PROCEDURES (FULL AND HALF-TIME POSITIONS)

1. APPROVAL TO HIRE

An Approval to Hire form must be completed for all full and half-time position vacancies. This form must be signed by the Dean or other Senior Administrator, the Provost, Director of University Budgeting, the Vice President for Fiscal Affairs/CEO, and the Executive Director of Human Resources.

2. CLASSIFICATION (Non-faculty positions only)

If this is a new position, or a current position which has changed substantially, or which the Senior Administrator believes may need to be upgraded, the updated job description should be sent to Human Resources for review. Human Resources will conduct a job evaluation analysis, prepare a classification specification, and recommend an appropriate grade in the classification structure.

If a classification review results in a recommendation for re-classification, the Senior Administrator must consult with the Director of University Budgeting or Vice President for Fiscal Affairs/CEO to assure that funding within the appropriate budget lines is sufficient.

If this is an existing position, and there are either no changes in job content or the changes are relatively minor ones, the current classification will be used, and modified, if necessary, by the Executive Director of Human Resources. If the Executive Director of Human Resources and the affected Senior Administrator cannot agree, they shall discuss the matter with the Provost or Vice President for Fiscal Affairs/CEO, who will make the final decision.

3. POSITION DESCRIPTION (Faculty positions)

A position description will be prepared which outlines briefly the nature of the position and the qualifications.

Great care needs to be exercised in the setting of qualification standards, so that they do not screen out candidates for non-essential reasons. Qualification standards should be examined to assure that they do not disproportionately impact the candidacies of members of under-represented groups, or of persons with disabilities.

Careful distinctions need to be made between those qualifications which are absolutely required by the nature of the job, and those that are desired.

4. UNDER-REPRESENTED GROUPS

A group is regarded as demographically under-represented if, in any given department or work group, there are significantly fewer members of that group employed than are qualified and available.

For example, if Asians/Pacific Islanders were 25% of the mathematics faculty nationwide, and 0% at UNE, Asians/Pacific Islanders would be regarded as under-represented on the UNE mathematics faculty.

The concept of under-representation is a key one, since UNE has an obligation under the terms of federal law to take Affirmative Action to remedy under-representation of women or minorities. Affirmative Action means, in shorthand, that UNE is expected to aggressively seek out well qualified members of groups that are under-represented to achieve a demographically balanced work force.

5. SEARCH COMMITTEE

The search may be conducted by an individual, a team of two, or a search committee, at the discretion of the Senior Administrator. If a search committee is used, every effort should be made to assure that men and women serve on the committee, if possible, and that minority faculty or staff, if available and appropriate, are represented.

The individual conducting the search (if not a committee) has full responsibility for assuring that the University's hiring policy is followed, and that at each step of the process, attention is given to assure equal opportunity through affirmative action.

If a committee is used, one individual on that committee will be designated by the Senior Administrator as the Affirmative Action representative. The role of the Affirmative Action representative is, generally, to assure that this policy is followed. More specifically, this person has responsibility for:

Meeting with the Executive Director of Human Resources to get an overview and an update on search process requirements.

Assuring that the committee is thoroughly familiar with recruitment resources.

Assuring that all appropriate means of informing applicants from under-represented groups of position vacancies are used.

Assuring that selection criteria do not create artificial barriers to employment for under-represented groups.

Assuring at each step of the process that candidates from under-represented groups are not excluded from consideration for inappropriate reasons.

Assuring that energetic and creative affirmation action outreach efforts are made to under-represented groups.

Raising questions and issues for the search committee, and if necessary, to the senior officer.

Writing, on behalf of the committee, a brief report to the senior administrator –before an offer is made – about what steps the committee took to assure equal opportunity through affirmative action.

Charging and Orienting the Search Committee

As soon as possible after the appointment of the search committee or the designation of
a person to conduct a search (if not a committee), the senior administrator should meet with and orient the search committee. The senior administrator should create expectations with the committee on the following subjects:

1. The scope of the Search
2. Job content and responsibilities
3. Minimum and preferred qualifications for the position.
4. Timetable for the search process
5. Budget parameters.
6. Procedural/process requirements, including any and all procedural requirements from the appointing authority, such as whether affirmative

action is warranted, numbers of candidates authorized to interview, who needs to be involved in the process as interviewers, etc.

7. Written plan for the search to be developed by the Search Committee and forwarded to the Senior Administrator for review, revision and approval in advance of the search.

The Executive Director of Human Resources may meet with the Search Committee to address the following information:

1. Disseminating information about the position and developing a candidate pool.
2. Search process requirements, qualification standards, selection criteria, and the like.
3. Legal and illegal pre-employment inquiries.
4. Affirmative action strategies that may be appropriate.

6. SELECTION CRITERIA

From 2 or 3 above, develop selection criteria for the search. Selection criteria are the standards against which candidates are evaluated. Selection criteria should be constructed which are clear and as precise as possible. Recognizing the inherent subjectivity of evaluation processes, care must be taken to assure that the selection criteria accurately predict success in the job and are not unduly restrictive. Because of curricular commitments in some areas to diversity and globalism, a selection criteria which recognizes cross-cultural or multi-cultural education or life experience may be appropriate.

7. SALARY RANGE

The range of salary to be offered for a given position needs to be established in advance of the search.

The range for non-faculty positions will be determined by the Classification and Pay Plan. Salaries and hourly wages of those currently employed with comparable qualifications and a demographic analysis will be important in making this determination.

The range for faculty positions is defined by the university-wide minimum faculty salary range for each rank. The Dean will be responsible for setting the range of starting salaries, given the established structure, and equitable considerations. Given the existing salary compression, it would be expected that hiring will occur at or near the minimum of the range. Careful attention needs to be paid to the salaries of current faculty members with comparable qualifications.

Salaries that are offered must be consistent with the amount identified on the Approval to Hire form. If the salary to be offered exceeds that amount a Request for Contract or Personnel Action Form must be routed for to all parties located on the form for electronic authorization signatures.

8. INTERNAL POSTING

All full and half-time faculty and non-faculty positions need to be posted internally for a period of at least five working days, in order to permit current employees an opportunity to express interest. Job postings allow current employees the opportunity to apply for positions that will enhance their personal career growth and their contribution to the University.

Normally, the internal posting will occur prior to advertising externally. However, a position may be posted internally and advertised externally simultaneously when, in the judgment of the Executive Director of Human Resources, it is appropriate to do so. Consistent with UNE's commitment to Equal Employment Opportunity, notice of all full and half-time vacancies will typically be communicated through UNE Community e-mail and posted at http://www.une.edu/hr/vacancylist.asp.

An employee must have a minimum of six months of service in her current job to be eligible for consideration for promotion or transfer. With the exception of occasional internal department promotions and University-initiated transfers for special reasons, all such vacancies are generally posted for a minimum of five days.

During the posting period, employees may express their interest to the Human Resources Office in applying for the posted position by forwarding their application materials via email to the Human Resource Generalist at http://www.careers@une.edu.

When there are internal candidates, they should be treated with the same respect and courtesy offered to external candidates. There is no requirement that all internal candidates be interviewed, particularly those plainly unqualified for the job.

9. ADVERTISING

At the request of, and in collaboration with the Search Committee or Hiring Supervisor, Human Resources will prepare and place advertising copy upon the approval of the Senior Administrator. Decisions about where to advertise will be made by the Senior Administrator in consultation with the Office of Human Resources and those involved in the search. If under-representation of women or minorities exists, and where it is possible to do so, advertising should be directed to publications and media that have as their focus women or minorities with requisite qualifications.

The advertisement or position announcement should, as may be appropriate, include a brief description of the job, required and desired knowledge, skills, abilities, licensures, and other background, a closing date for applications (if any), and start date for the job. In addition, the ad should specify what information the candidate needs to furnish the committee.

Advertising may be sent to

- Local, regional, and national newspapers
- *The Chronicle of Higher Education*

- Association newspapers and journals

Advertising deadlines should be established with (usually) no less than ten days response time for advertisements in local media, and not less than twenty-one days for national media.

It is acceptable to use language such as "Review of résumés will begin on (name a date) and will continue until the search is concluded".

Search Committees should consider, where possible, recruiting through electronic media, including list serves, bulletin boards, job banks, and web sites. Listserve and bulletin boards frequently permit positing at no or minimal cost. Commercial job banks, such as www.monster.com, www.jobbankusa.com, and www.careermosiac.com, permit employers to list job openings and also to identify candidates whose backgrounds meet the committee's needs. Committees should consider job banks hosted by professional associations.

The Human Resources Office will fund 10% of the cost of advertising, to a maximum of $500 per position advertised.

10. DISSEMINATION OF INFORMATION TO LOCAL AND STATE-WIDE GROUPS

The Human Resources Office will send a mailing to a variety of organizations announcing position vacancies. These organizations may include:

- The Maine Department of Labor
- Organizations serving women
- Organizations serving minorities
- Organizations serving people with disabilities
- Organizations serving veterans

11. DISSEMINATION OF INFORMATION ELSEWHERE

In the interest of assuring broad dissemination of information about positions for which UNE is conducting nationwide searches, position announcements should be sent to:

- Appropriate professional associations, as determined by the Senior Administrator in consultation with those conducting the search.
- Talent banks that may exist within the profession, or that are maintained by organizations serving the interest of women or varied minority groups. The Human Resources Department has a partial list of the latter organizations.
- Professional gatherings, such as conferences.
- Key people within the profession who may be helpful identifying or nominating qualified candidates. Where there is under-representation of women or minorities, this is a particularly important part of our Affirmative Action outreach.

- Colleges and universities which graduate people who likely have the qualifications that we seek. Where under-representation exists, mailings should be made to colleges and universities known to graduate numbers of women and minorities (for example, historically black colleges) with requisite qualifications.
- Career fairs.

The Human Resources Office will provide support in preparing mailings to groups and individuals identified by the search committee as being appropriate.

In addition to sending mailings, the most effective outreach efforts involve search committee members making telephone calls to their colleagues in academia, to department chairs at institutions likely to graduate people with requisite qualifications, and other individuals who may know of qualified females or minority candidates.

Available to Search Committees from the Human Resources Office is a database of historically Black and historically Hispanic colleges, broken out by degree level (Masters, Ph.D.), as well as by disciplines of interest to UNE.

Finally, committees should consider direct mailings to individuals when there is a finite number of known persons holding credentials of interest. The University has done mailings, for example to all licensed HVAC technicians in York and Cumberland counties.

12. APPLICATION/RÉSUMÉ EVALUATION FORMAT

From the selection criteria established above, a form should be created to evaluate résumés. The format should allow an uninvolved third party to review the hiring process and understand why each candidate was viable or not viable, and why the successful candidate was chosen over the others.

The evaluation format is used as a screening device, to assure that those candidates with the strongest backgrounds emerge as final or semi-final candidates. Only those factors which can be evaluated by looking at the application, curriculum vitae, or résumé should be evaluated at this point.

13. HANDLING APPLICATIONS, CURRICULUM VITAE AND RÉSUMÉS

Except in unusual circumstances, résumés, applications and curriculum vitae will be directed to the Human Resources Office. Acknowledgments will be sent to the candidates in regards to receipt of their application, résumés, or curriculum vitae. Candidate materials are then shared with the hiring committee through a shared folder electronically.

In the unusual event that the résumés, or curriculum vitae are sent directly to the search committee, it is the search committee’s responsibility to perform the requisite recording of information, to send acknowledgments, and forward those records to the Human Resources Office at the conclusion of the search. The decision to direct résumés to the search committee instead of through the Human Resources Office will be made by the Senior Administrator in consultation with the Executive

Director of Human Resources. Where experience shows that a given department does not handle these tasks in an accurate or timely fashion, the Executive Director of Human Resources may require that résumés be diverted to the Human Resources office.

It is within the discretion of the search committee to determine how to handle incomplete applications, or updates of applications after the search deadlines. There are, however, two limits to the committee's discretion:

A. Whatever the committee does, it must treat all candidates uniformly.
B. Candidates should not be penalized for letters of recommendation which are sent late; or other actions beyond the candidate's control.

14. EVALUATION OF RÉSUMÉS, CURRICULUM VITAE AND APPLICATIONS

Upon receipt of the résumés, curriculum vitae or applications, the search agent or committee will evaluate all candidates against the selection criteria in written form. Where sheer numbers of responses make it burdensome for every member of a search committee to review all responses, at least two individuals should review each response. The evaluation should be clear enough so that an uninvolved third party could read it and understand how each candidate measured up against the selection criteria.

Selection criteria used in evaluating candidates must be consistent with the qualifications stated in the job announcement, advertising, and job description.

All evaluative information should be kept by the search committee and given to the Human Resources Office at the conclusion of the search.

It is the search committee's decision as to whether to consider résumés or curriculum vitae received after the application deadline, as long as the rationale is applied uniformly to all candidates.

If during review of applications, it becomes apparent that the pool of candidates does not contain as many female or minority candidacies as would reasonably be expected, given the demographics of the profession (and especially if that group is under utilized) the process should be reviewed immediately to determine:

> Whether some aspect of the process has subtly discouraged those candidacies (and, if so, corrective action should be taken). Unduly restrictive qualification standards should in particular be reviewed.
>
> Whether appropriate outreach to these groups has occurred (if not, that should be remedied).
>
> If initial evaluation of résumés results in women or minorities not being represented in the list of finalists, the process should similarly be reviewed and corrective action taken, as appropriate.

15. PRE-INTERVIEWS

Pre-interviews are not required, but are useful. The purpose of a pre-interview is to either:

> Assure that candidate's qualifications meet the needs of the job and that candidates' expectations (what the job is, the salary for the job, etc.) are consistent with the job.
>
> Serve as a second level of screening of candidates.

Pre-interviews, if conducted, should be done on the basis of standard questions asked to every candidate, with additional questions that may be appropriate in individual circumstances. The questions should be determined in advance by the search committee or search agent, and the candidate's answers noted in written form. This material must be forwarded with other search process documentation to the Human Resources Office at the conclusion of the search.

If a search committee is used, it is advisable to have two individuals pre-interview (together) each candidate.

The pre-interview can be used to prepare information for candidates' needs to enable them to come to campus fully prepared to interview.

Following the pre-interview, the search committee or entity should identify the top candidates, confer with the Senior Administrator about how many to bring to campus to interview (usually at least two and not more than four).

At this point in the process, search committees frequently wish to notify those who are not finalists of that fact. Because it sometimes happens that the finalists are either found not to be as strong as originally thought, or because offers may be rejected, communication at this point is discouraged.

16. INVITING CANDIDATES TO CAMPUS

The purpose of this part of the process is to assure that where warranted, aggressive, effective Affirmative Action Outreach has actually occurred. Where it has not, it is the responsibility of that Dean or Vice President to assure that remedial action occurs. Remedial action may include, for example, reviewing selection criteria, more aggressive outreach, or even re-advertising the position.

If the candidates are local, inviting them to campus to interview is relatively straight-forward. The interview schedule, identifying each interviewer by name and title, should be in the interviewee's hands prior to his/her arrival on campus. As well, the interviewee's informational needs (real estate information, information about schools, the arts, recreation, etc.) should be satisfied before his/her arrival. If the interviewee is traveling any distance by personal vehicle, mileage reimbursement at the prevailing University rate is appropriate.

Travel arrangements for interviewees who are flying in should be made by the University on behalf of the interviewee, in order to ensure cost-effective travel. Travel arrangements must be made in accordance with the University travel policy.

Interviewees should be reimbursed for travel and lodging costs. Interviewees should expect that additional costs incurred by them by virtue of their choice to have a spouse or partner travel with them are their responsibility.

Make arrangements to have the candidate picked up at the airport and transported to wherever they need to go, or provide either a rental car or a UNE fleet car. If the latter, assure they are given a map and directions to UNE.

Determine, before the interviewee arrives, whether he/she wishes to spend an additional day or more and whether the services of a real estate broker are desired. Provide assistance to candidates in establishing an itinerary for that extra time if they desire it.

When they become a finalist, if the candidate is applying for an academic position, at the time that interview arrangements are being made, ask for them to arrange to have their official transcripts sent, showing the highest earned degree.

If the position requires certifications, licensure, or other professional qualifications, ask the candidate to provide copies of the appropriate documents.

Responsibility for coordinating travel arrangements will vary according to the Senior Administrator.

17. THE INTERVIEW SCHEDULE

There is sometimes a tendency to over-book candidates and force them to go through a marathon interview process. Minimize this to the extent possible by having groups of people with similar interests interview the candidates.

Create room in the schedule to account for overruns in time. It is suggested that you assign someone the responsibility of escorting the candidate from interview to interview. This is primarily to assure that the whole schedule does not get thrown off by one or two interviewers taking more time than is allotted. It is also to help the candidate feel better taken care of.

Before the interview date, a package of information should be given to each interviewer which contains, at a minimum:

- The résumé or curriculum vitae.
- The job description and selection criteria.
- The interview schedule.
- An evaluation form.
- A handout describing legal and illegal pre-employment inquiries.

18. THE INTERVIEW

Prior to interviewing, each interviewer should review the materials provided and prepare a series of questions that are designed to get the information necessary to make judgments about the candidate's capability. Those questions should be essentially the same for each candidate.

While the interview is a give-and-take process, with both parties offering and receiving information, your job as interviewer is probably not being done as well as it can be if you are doing the talking more than 25% of the time. Many candidates report being subjected to monologues by interviewers which, while interesting, don't accomplish the goals of the interview process.

Salary should be discussed with the interviewee only by the person authorized by the Senior Administrator. Benefits can be discussed by anyone, but the interviewee should be directed to the Human Resources Office for definitive guidance.

Particular attention needs to be paid to the legal and illegal pre-employment questions. Questions that may seem to be innocuous can put both an interviewer and the institution into legal jeopardy. Sample questions below are commonly asked, and are potentially a big problem:

- What does your partner think about moving here?
- Do you have any children?
- That is an interesting name, is it **_________** (name a nationality)?
- How many more years are you planning on working?
- How do you feel about living in a state that is overwhelmingly white (asked to people of color)?
- How did you get that limp?
- Etc.

If you have concerns, or do not understand the handout, please discuss with the Executive Director of Human Resources. In particular, be extremely careful about asking **any** questions about disabling conditions. The Equal Employment Opportunity Guidelines on pre-employment inquiries issued to interpret the Americans with Disabilities Act (ADA) makes **most** pre-employment inquiries regarding disabilities illegal. Consult with the Executive Director of Human Resources before asking any of these questions.

Finally, if you are co-interviewing with someone, or are part of a committee doing interviewing, agree in advance that if somebody makes an error and asks an inappropriate question, that someone else will interrupt, disclaim the question, and redirect discussion, with a minimum of fuss. If an interviewee brings up something that is outside the boundaries of appropriate questioning, depending on the situation, you should either let it go by without comment (and then redirect discussion) or disclaim interest. Do not engage in the discussion.

For the candidates' sense of being well-taken care of, as well as the committee's need to manage time well, a member of the search committee should escort the candidate from interview session to interview session. This individual should also assure both the appropriate introductions are made, and that the candidate leaves each session on time.

When there are group interviews, the committee should assure that the group has access to résumés, is given a pre-employment legal/illegal inquiries guide, and is given candidate evaluation forms.

19. CANDIDATE EVALUATION

Following the interviews, the search committee or agent should carefully deliberate upon the strengths and weaknesses of the candidates for the job for which they are applying. It should consider both oral and written feedback from all involved in the process, as well as reference information (see below). The search committee or agent should make recommendation to the Senior Administrator about which candidates can best meet UNE's needs.

20. REFERENCES

Written references are useful, but their utility is limited by the fact that they are frequently seen by the candidate, and by the very fact that they are in writing. Reference sources are justifiably nervous about making any comments of a critical nature, or may be protective of a candidate because of personal friendships or other factors.

A reasonable number of persons who know the candidate within his/her professional role should be contacted by telephone. The questions that you ask should be eminently job-related, should avoid discussion of illegal inquiries (see 18 above), and should be in written form.

21. OFFER

The offer of employment should be made orally by the Senior Administrator or his/her designee. The offer should be subsequently put into written form and signed by the Senior Administrator and accompanied by an employment contract. The offer letter and employment contract should address, in addition to the usual items in the employment contract, any special arrangements or understandings.

An employment contract is generated in the following way:

- A Request for Contract form or Personnel Action Form, whichever is applicable, is routed electronically for signature approval.
- The Human Resources Office will generate the contract, which is sent to the Senior Administrator, who will sign it, forward it to the President/Provost Office for signature, and then send it to the candidate for signature.
- Upon return of the contract to the Senior Administrator, the Senior Administrator will keep a copy for his/her record and forward the original to Human Resources.

22. RELOCATION

If reimbursement of relocation expenses are offered, the usual practice is to reimburse up to $1000 of moving expenses.

23. NOTIFICATION OF UNSUCCESSFUL CANDIDATES

The chair of the search committee should call the unsuccessful candidates who interviewed (on the phone or in person) for the position and inform them that another candidate has been offered and has accepted the position. It is appropriate to be as positive as you can be about their candidacies, but also to offer little information about why another candidate was selected. It is unlikely that you will convince them that another candidate was stronger, and in the usual course of events, the more information you offer, the more likely it is that they will take umbrage. There is little to gain by offering specific reasons.

24. CLOSING THE SEARCH

Within a week of the time that the search process has been concluded, the search committee or hiring authority must forward all search documents, files and records to the Human Resources Office for storage, pursuant to the requirements of federal law. This includes the position description, all advertising materials and postings (including records of to whom it was sent and where it was posted), all evaluative information (including ratings by all committee members and interviewers at all stages of the process), interview notes, notes of reference information. The information should be organized so that a third party could look at the file, and without difficulty determine how each candidate measured up against the selection criteria, who was pre-interviewed (and why), who was interviewed (and why), and who was selected (and why).

PROCEDURES – OTHER THAN FULL OR HALF-TIME STAFF

The University imposes fewer requirements on the hiring processes for temporary, part-time, adjunct faculty, and contracted services staff in order to assure that the operating departments have as much flexibility as possible to hire people to meet their needs quickly and expeditiously. That being said, the University has needs to assure fair employment practices, fair pay rates, and compliance with a variety of state and federal laws that requires that some centralization of process occur.

A. Adjunct Faculty

Hiring of Adjunct Faculty members shall be conducted by the Academic Department Chair, in collaboration with the Dean's Office. It is their mutual responsibility to assure that budgetary resources are sufficient to support hiring, and to assure that rates that are paid are fair, competitive, and appropriate, given what other Adjunct Faculty members in the same discipline are paid. It is the responsibility of the Vice President for Academic Affairs to assure that pay for Adjunct Faculty members is as competitive with the labor market as the University can reasonably afford, and to assure pay equity across the colleges.

When in the opinion of the Academic Dean, the Adjunct Faculty workforce in his/her college does not demographically reflect the available workforce, the Dean should have the hiring departments scrutinize carefully the hiring process that resulted in that outcome, and make appropriate adjustments (i.e., (more) advertising, review of selection criteria, additional outreach efforts).

It is well established under Internal Revenue Service - Private Employer Rulings that Adjunct Faculty members are employees, and not independent contractors. Accordingly, upon the Department Chair's identification of the faculty member to be hired, the Dean's Office should prepare an employment contract, which will need to be signed by the Dean, the Provost, and the faculty member, then forwarded to the Payroll Office. The Department Chair should, while forwarding the contract to the faculty member, insert a brochure from the Human Resources Office titled "Beginning Employment". This brochure offers information which is particularly useful to new employees. The Department Chair should, in particular, remind the faculty member that no paycheck can be issued until that faculty member has completed forms in the Human Resources Office, (I-9, W-4, W-4ME, Direct Deposit form), and that federal immigration laws require the completion of an I-9 form within the first three days of employment.

B. Part-time or Temporary Employment

Part-time employment is defined under University Personnel Policy as employment that is less than 20 hours per week, or less than 9 months duration, and/or in a position not budgeted as a regular full-time or half-time position.

Temporary employment is defined as employment which is for a defined period of time, usually brief, and may be for whatever hours are necessary to accomplish the work needed to be done.

Student employment is defined as a version of part-time or temporary employment. With the exception of Work Study employment, hiring of students into part-time or temporary roles should be handled in the same manner as for all other part-time or temporary employees. Guidelines regarding Work Study employment are available in the Financial Aid Office.

Those supervisors who want to hire temporary or part-time help should complete an **Email Pay Request**. The supervisor, in collaboration with the Senior Administrator, has responsibility for assuring that budget is not exceeded.

C. Independent Contractors and Consultants

Independent Contractors are individuals who perform services for the University but who are self-employed or employed by another organization. It is important to the University that it correctly distinguish between employment status, on one hand, and independent contractor (or consultant) status on the other hand, because of substantial Internal Revenue Service liability that could be created by errors.

Generally, an employee is an individual who performs services that are subject to the will and control of the employer – both what must be done and how it must be done. The employer can allow the employee considerable discretion and freedom of action, so long as the employer has the legal right to control both the method and the result of the services. An independent contractor is an individual over whom the employer has the right to control or direct only the result of the work, and not the means and methods of accomplishing the result.

The Internal Revenue Service uses a number of factors to assist in determining if the worker is an employee or an independent contractor. There is no minimum number of factors that, if met, would determine that the individual is an employee or an independent contractor. The factors listed below are intended as guidelines and should be considered in the context of service being provided and employment practices at the University. If an individual clearly does not meet the conditions of an independent contractor status, the IRS assumes an employee/employer relationship exists, and the individual should be put on the payroll.

Before applying the IRS guidelines, two basic questions may clarify the situation:

- Does the University pay as employees, others who perform essentially the same duties that are to be performed by this worker?
- Has this worker been paid during this current calendar year as an employee?

If the answer to either of these questions is yes, University of New England policy requires the individual to be paid through the payroll.

Should the IRS determine that an individual has been inappropriately classified as an independent contractor, the University could be subject to substantial penalties for failure to withhold taxes and to pay social security taxes.

Factors Used by IRS To Determine Independent Contractor/Consultant Status

Factors	Employee	Independent Contractor
1. Instructions	An employee is required to comply with instructions about	An independent contractor decides how to do the job,

		when, where, and how to work. Notwithstanding the conscientious employee who is capable of working with great independence, if the University has the right to give such instructions, the individual is an employee.	establishes his or her own procedures, and is not supervised. The University is only interested in the end result.
2.	Training	Training of a worker by an experienced employee, by correspondence, by required attendance at meetings, and by other methods, is a factor of control indicating that the employer wants the services performed in a particular manner. This is especially true if the training is given periodically or at frequent intervals.	An IC/C ordinarily uses his or her own methods and receives no training beyond basic information/orientation sessions from the University. An IC/C is not required to attend meetings or training programs.
3.	Integration	If the individual's services are an integral part of the University's operations, it generally indicates an employer/employee relationship.	If the performance of service establishes or affects the firm's/individual's own business reputation and not the business reputation of the University, it indicates IC/C relationship.
4.	Services Rendered Personally	If the services must be rendered personally, it indicates the University is interested in the methods, as well as the results.	An individual's right to substitute another's services without the University's knowledge suggests the existence of an IC/C relationship.
5.	Hiring Employees	If the University hires other employees to assist the worker, an IC/C classification is generally not appropriate.	An IC/C may hire, supervise, and pay his/her own employees to enable him/her to meet the terms of the contract.
6.	Continuing Relationship	A continuing or recurring relationship between an individual and the University likely indicates an employer/employee relationship.	The relationship between an IC/C and the University ends when the job is finished.
7.	Work Hours/	Controlling, or the authority to	An IC/C controls his or her

Work Schedule	control, the work hours/work schedule indicates an employer/employee. An employee's pay is tied to the number of hours required to perform the work.	own time. The rate of pay, determined in the contract, is not generally increased or decreased by the amount of time the IC/C must work to complete the project.
8. Place of Work	A requirement that the work be performed on the University's premises, or at a location designated by the University, implies an employer/employee relationship, especially where the work is of such a nature that it could be done elsewhere. For example, the use of University office space, telephone and clerical services generally places the worker within the University's direction and supervision. The importance of this factor depends on the nature of the service involved and the authority the University has to control the work.	Doing work away from the University's premises when it could be done on site may indicate a lack of control. An IC/C will generally have an established business site.
9. Sequence of Work	If a person must perform services in the order or sequence set by the University, it shows that the worker is not free to follow an independent pattern of work, but must follow the established routines and schedules. Control is sufficiently shown, if the University retains the right to do so.	If the University is not interested in the order or sequence by which the individual completes the work, there is an indication that there is a lack of control over the manner and means by which the work is performed.
10. Reports	The submission of regular oral or written reports indicates control since the worker must account for his or her actions.	An IC/C is not required to file reports which constitute a review of his or her work. However, reports related only to an end result is not an indication of employment or independence.
11. Payments	Payment by the hour, week, or month represents an employer-employee relationship. Payment by the job which includes a lump sum computed by the number of hours required to do the job at a	Payment of a flat fee is customary where the worker is an IC/C.

	fixed rate per hour may indicate to the IRS an employee/employer relationship.	
12. Expenses	Payment or reimbursement of the worker's business and travel expenses by the University may indicate an employer/employee relationship.	A person who is paid on a job basis and who has to take care of all or some incidental expenses is generally an IC/C.
13. Investment	Providing any necessary facilities/equipment by the University tends to indicate an employment relationship. Facilities include, generally, equipment or premises necessary for the work but not the tools, instruments, clothing, etc., that are commonly provided by employees in their particular trade.	A significant investment by the worker in order to perform the service tends to show an independent status. In order to be significant, the investment must be real, essential, and adequate.
14. Profit or Loss	Employees receive compensation based on the duration of time required to do the work. Thus, they do not suffer a financial loss and are restricted from earning a profit by performing the work.	The possibility of a profit or loss for the worker as a result of these services generally shows IC/C status. Whether a profit is realized or loss suffered generally depends on management decisions: that is, the one responsible for a profit or loss can use his or her own ingenuity, initiative, and judgment in conducting the business or enterprise. An IC/C typically can invest significant amounts of time/capital in his/her work without any guarantee of profit.
15. Services Available to the Public	A person may work for a number of people or firms but is considered a University employee if the University has the right to control and direct his/her work.	An IC/C is generally free to seek other clients. This can be demonstrated by advertisements, a visible business location and availability.

16. Right to Fire	If the University has the right to discipline or discharge an individual, that worker is considered an employee.	An IC/C cannot be discharged as long as he/she produces a result that measures up to the contract specifications. However, the relationship can be terminated with liability as provided in the specific agreement.
17. Right to Quit	The right to quit at any time without incurring liability indicates an employer/employee relationship.	An IC/C usually agrees to complete a specific job and he or she is responsible for its satisfactory completion or is legally obligated to make good for failure to complete the job. Terminating a contract may impose a liability on the University.
18. Part-Time or Temporary Work	The fact that the work is part-time or of a short duration does not necessarily support an IC/C classification.	Other factors, such as the extent to which the services are available to the public and the authority to control the work should be considered here.

EXAMPLES OF SERVICES FOR WHICH DETERMINATIONS OF EMPLOYEE/INDEPENDENT CONTRACTOR STATUS ARE RELATIVELY CLEAR

Type of Service Rendered	Employee	Independent Contractor

Adjunct Faculty	X	
Auditing, Legal Services		X
Architectural, Engineering Services		X
Artists (for one time, brief projects)		X
Art Models	X	
Clerical Services (individuals)	X	
Coaches (sports)	X	
Computer Programmer (by a firm)		X
Consultants		
a) Retained through a firm		X
b) Providing services with scope of professional license (e.g. Licensed counselor, Psychologist, CPA, etc)		X
Field Supervisors		X
Guest Speakers		X
Interns	X	
Interpreters	X	
Musicians/Performing Artists/Entertainers		
a) Single event		X
b) Extended period	X	
Preceptors		X
Research/Grant Stipends	X	
Score Keepers	X	
Sports Officials		
a) Intramurals	X	
b) Intercollegiate Athletics		X
Student Teacher Supervisors		X
Instructors of Non-credit Courses, Workshops or Seminars		
a) Led by UNE Personnel	X	
b) Led by Non-UNE Personnel		X
Instructors of For-credit Courses, Workshops, or Seminars (except for Guest Speakers	X	

PROCEDURES

1. In situations in which the chart above makes it clear that a given situation warrants independent contractor status, the Senior Administrator's office should prepare a Personal Services Agreement and forward it to the Human Resources

office for signature prior to signature from the independent contractor or consultant.

2. In situations where there is any ambiguity, the manager seeking contracting help should coordinate with the Human Resources office to discuss the appropriateness of the independent contractor designation.

3. Once an independent contractor agreement has been executed, it should be forwarded to the Business Office for payment.