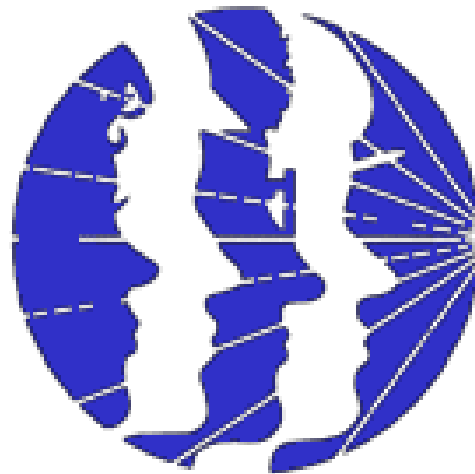


**ALABAMA COMMUNITY COLLEGE SYSTEM  
(ACCS)**

**UNIFORM  
GUIDELINES**

**FOR COMPLIANCE AND MONITORING OF  
RECRUITMENT AND SELECTION AT ACCS INSTITUTIONS**



**Bradley R. Byrne, Chancellor  
Alabama Department of  
Postsecondary Education**

**Prepared by:  
Division of Legal and Human Resources**

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## **GUIDING STATEMENT**

The Alabama State Board of Education has set in place a uniform procedure for the selection of faculty, administrative, and supervisory personnel on State Salary Schedules B, C, and D. It is the intention of the Board to ensure that the screening and selection process is accomplished in a professional, nonpolitical manner, without bias, and in compliance with all state and federal laws. The Chancellor also requires similar processes to fill positions on Salary Schedule E.

POLICY NAME:	<b>602.02: Hiring Practices and Procedures</b>
EFFECTIVE:	05-25-06
SUPERSEDES:	602.02 issued 03-24-05; 01-22-04; 12-08-94
SOURCE:	State Board of Education Resolution; <i>Code of Alabama</i> 16-60-111.4 and 16-60-111.7
CROSS REFERENCE:	Policy 203.02 and 204-01

Vacancies in presidential, full-time faculty, and other full-time administrative and supervisory positions, regardless of whether the position is shown on Salary Schedules A, B, C, or D, shall be filled according to the practices and procedures set out in The Alabama College System Uniform Guidelines.

**RESPONSIBILITIES OF THE STATE BOARD OF EDUCATION**

The State Board of Education and the Chancellor shall examine the service areas and goals of each Alabama Community College System institution in accordance to the data from the 2000 United States Census and make any changes in service area designations and goals.

**RESPONSIBILITIES OF THE CHANCELLOR AND DEPARTMENT OF  
POSTSECONDARY EDUCATION (DPE)**

1. Modify and maintain membership in the Applicant Pool.
2. Enhance and improve the Applicant Pool to increase the numbers of individual members from outside of Alabama Community College System.
3. E-mail or mail vacancy notices to Applicant Pool, in accordance with DPE guidelines, upon approval of vacancy announcement.
4. Maintain web site to post all annual reports.
5. Report by race and gender the numbers of persons hired from the Applicant Pool in each Annual Report.
6. Place each Annual Report on the ACCS website.
7. Maintain membership with IMDiversity.com for recruitment.

**RESPONSIBILITIES OF THE DPE HUMAN RESOURCES SPECIALIST**

1. Distribute to the Presidents standard procedures for record keeping and reporting of activities under the Uniform Guidelines, including search processes, annual reports, temporary appointments, lateral transfers, reorganizations, and maintenance and use of the Applicant Pool.
2. Develop an annual schedule of random audits to examine the compliance of each institution.
3. Examine data from the institutions, including information on race and gender and the use of part-time employees by each institution, and make recommendations to the Chancellor.
4. Conduct annual training seminars designed to review the progress of the institutions in reaching their goals and to reconfirm the requirements of the Uniform Guidelines.
5. Address issues of interested parties relating to the Uniform Guidelines. Conduct investigations into issues and make recommendations to the Chancellor for resolution.
6. Make recommendations to the Chancellor regarding any changes in searches or other applicable issues that may be necessary. Make suggestions to the Chancellor to prevent litigation.

## **RESPONSIBILITIES OF PRESIDENTS AND INSTITUTIONS**

1. Prepare an Annual Report to the Chancellor for placement on ACCS website, including (a) names and addresses of black and female applicants; (b) names and addresses of potential black and female applicants from Applicant Pool; (c) description of efforts to recruit blacks and women. Incorporate the following on institution's application form: Added: Are you a member of the Alabama Community College System Applicant Pool?
2. Attend the annual ACCSHRMA Diversity Conference.
3. Salary Schedules B, C, and D, send vacancy announcements to Human Resources Specialist at least 21 days prior to deadline date for review and approval.

Salary Schedules E and H, send vacancy announcements to Human Resources Specialist at least 14 days prior to deadline date for review and approval.

4. Posting/Advertising requirements

Salary Schedules B, C, and D: a minimum of 21 days prior to application deadline post on institution website, ACCS website, all ACCS institutions' websites, Alabama JobLink ([joblink.alabama.gov](http://joblink.alabama.gov)), IMDiversity.com, advertise in daily/weekly newspaper in service area, and advertise in daily newspaper of regional/statewide coverage.

Salary Schedule E: a minimum of 14 days prior to application deadline post on institution website and ACCS.

Salary Schedule H: a minimum of 14 days prior to application deadline post on institution website.

For adjunct instructor positions, tutor positions, and hourly employees, a continuous ad may be posted on the institution's website. If a continuous ad is not posted, these positions must be posted for a minimum of 14 days prior to the application deadline.

5. Report to the Chancellor the outcome of each search using the Notification of Hire form.
6. Reestablish and reappoint the Recruitment and Selection Committee(s) and publicize annually that institution is seeking persons to serve on the committee(s). This may be accomplished by email or memo from the President to all staff, faculty, and administration. (Salary Schedules B, C, D and E)
7. Report to the Chancellor the names and affiliations of all members of the Recruiting and Selection Committees for each vacancy. (Salary Schedules B, C, D and E)

8. Keep records on file of: all applications; records of all interviews and contacts with applicants; written evaluation of each applicant who met the minimum qualifications; written record of response to each announced vacancy, including list of all qualified persons, the name of the person offered the position, and the reasons for the selection; correspondence between institution and DPE regarding each position for a period of not less than five (5) years.
9. Notify the Chancellor of temporary appointments prior to making the appointment. (ALL Salary Schedules)
10. Conduct a full search process in the year of the temporary appointment to fill the position on a permanent basis. (ALL Salary Schedules)
11. Conduct annual harassment training. (ALL employees)
12. Conduct ethics training. (New employees)
13. Obtain and keep on file a Family Relationship Disclosure Form. Attach copy of form to Notification of Hire form and Notification of Temporary Appointment form (ALL employees)
14. Presidents will hold annual meetings with black community and educational leaders to discuss recruitment. Institutions will complete Community Meeting Reporting Form and keep on file for reference.

POLICY NAME:	<b>602.01: Appointment and Assignment of Personnel</b>
EFFECTIVE:	September 27, 2007
SUPERSEDES:	602.01 issued 01-22-04; 12-08-94
SOURCE:	State Board of Education Resolution; <i>Code of Alabama</i> 16-60-111.4 and 16-60-111.7
CROSS REFERENCE:	Policy 203.02 and 204-01

1. The President of each institution shall appoint the faculty and staff of the institution according to qualifications approved by the State Board of Education and such other policies as may have been adopted by the State Board of Education. The President of each institution is authorized to make assignments of faculty and staff at the local level. The Chancellor has the authority to reverse any appointment or assignment of personnel determined to be contrary to any statute, and such policies as may have been adopted by the State Board of Education. The Presidents serve at the pleasure of the State Board of Education.
2. A full-time consenting employee may be transferred from one college to another or from the Department of Postsecondary Education to a college, with the written agreement of both the transferring and receiving Presidents or Chancellor, and with the approval of the Chancellor. Transfer requests will apply only to positions for lateral moves and will conform to the Alabama College System Uniform Guidelines.
3. The Chancellor shall notify the State Board of Education of any reversals of appointments or assignments resulting from this policy.

POLICY NAME:	<b>205.04: Disclosure of Employment of Relatives</b>
EFFECTIVE:	01-25-07
SUPERSEDES:	
SOURCE:	Alabama State Board of Education Action Item IX.A.2. dated January 25, 2007
CROSS REFERENCE:	

## 1. DEFINITIONS

- A. **Employing Authority.** For the purposes of this policy, Employing Agency includes: the Chancellor of the Alabama Department of Postsecondary Education, a member of the Alabama State Board of Education, a President of an Alabama College System college or university, a System-level Director of any other Alabama College System agency, entity, or department, including CITY Program, Skills Training Consortia, Alabama Industrial Development Training Institute and Alabama Technology Network.
- B. **Relative.** For the purposes of this policy, Relative includes the following: spouse, dependent, adult child and his or her spouse, parent, spouse's parents, sibling and his or her spouse, of an Employing Authority.

## 2. EMPLOYMENT OF RELATIVE

As a part of the employment process, within 15 calendar days of the employment of an individual by the Employing Authority of an Alabama College System department, agency, entity, or institution, regardless of placement on salary schedule, position, or compensation, and regardless of whether the employment is temporary or the result of a search process, the individual shall complete a Family Relationship Disclosure Form. Such form shall contain the name of the individual; the name of the Alabama College System department, agency, entity, or institution employing the individual; the position and/or title for which the individual is employed; the salary schedule, rank, step, and annual salary of the individual; and the date on which employment commences. Such form shall also contain a statement by the individual regarding whether the individual is a relative of any Alabama College System Employing Authority and shall identify such Employing Authority and such relationship.

## 3. REPORTING

Upon completion of the Family Relationship Disclosure Form, it shall be forwarded immediately to the Employing Authority of the Alabama College System department, agency, entity, or institution employing such individual. The Employing Authority, within 15 calendar days of receipt of a form disclosing the employment of a relative of any Alabama College System Employing Authority, shall provide a copy to the Chancellor of the Alabama Department of Postsecondary Education. The Chancellor shall provide a notice of such disclosure to the members of the Alabama State Board of Education on a monthly basis.

**FAMILY RELATIONSHIP DISCLOSURE FORM**

Employee's Name: \_\_\_\_\_

Job Title/Position: \_\_\_\_\_

Employment Date: \_\_\_\_\_ Full-Time ?                      Part-Time ?

Salary Schedule: \_\_\_\_\_ Rank: \_\_\_\_\_ Step: \_\_\_\_\_ Annual Salary: \_\_\_\_\_

**For purposes of this disclosure, relative includes the following: spouse, dependent, adult child and his or her spouse, parent, spouse's parents, sibling and his or her spouse.**

**Are you a relative of any employee of the Alabama College System or any member of the State Board of Education?**

Yes ?                      No ?

**If yes, list the name(s), relationship, and employer/position of relative(s)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**I affirm that all information contained herein is correct to the best of my knowledge.**

**Signed:** \_\_\_\_\_  
**Employee**

**Date:** \_\_\_\_\_

(Name of College)

**Notification of Hire**  
**(To be submitted within 10 days of hire)**

**Position Filled:** \_\_\_\_\_

**Name of Hire:** \_\_\_\_\_

**Race:** \_\_\_\_\_ **Gender:** \_\_\_\_\_

**Salary Schedule Placement (including Rank/Step):** \_\_\_\_\_

**Salary Amount:** \_\_\_\_\_ **12-month ?** **9-month ?**

**Effective Date:** \_\_\_\_\_

**Position Previously Filled by Temporary Appointment: Yes ? No ?**

**Signature of President:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**RESUMES OF ALL APPLICANTS INTERVIEWED BY THE PRESIDENT  
MUST BE ATTACHED.**

**Mail to:**  
**Department of Postsecondary Education**  
**Legal and Human Resources Division**  
**Post Office Box 302130**  
**Montgomery, Alabama 36130-2130**

## COMMUNITY MEETING REPORTING FORM

---

**(Institution)**

Name of Organization/Association Hosting Meeting:

---

Location of Meeting: \_\_\_\_\_  
\_\_\_\_\_

Contact Person: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Goals/Objectives of Meeting:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Attendees:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

---

President's Signature

---

Date

## GUIDELINES FOR NOTIFICATION OF APPLICANT POOL AND POSTING/ADVERTISING

1. Include a posting date (i.e., Post date: February 1, 2008). This indicates to DPE the date you want the position to be posted and emailed to the Applicant Pool.
2. Email vacancy notices for **all full-time** positions to the DPE HR Specialist for review and approval.
  - A. a minimum of 21 days prior to the application deadline for Salary Schedule B, C, and D positions
  - B. a minimum of 14 days prior to the application deadline for Salary Schedule E and H positions.
3. DPE will post the position on the ACCS website and email a vacancy notice to Applicant Pool members and the institution's HR contact.
4. Print the email and put it in the search file.
5. Members of the Applicant Pool who have indicated that they cannot receive notification by email **MUST BE NOTIFIED BY U.S. MAIL OF ALL VACANCIES** within the timeframes listed in 2. A./B. above.
6. In the letter to applicants who are not hired informing them that the position has been filled or closed, include the following statement:

If you are not currently a member of the Alabama Community College System Applicant Pool and would like to become a member, go to <http://www.dpe.edu/applicantpool/> and complete the form to receive email notification of available positions.

### 7. Posting/Advertising requirements

Salary Schedules B, C, and D: a minimum of 21 days prior to application deadline post on institution website, ACCS website, all ACCS institutions' websites, Alabama JobLink ([joblink.alabama.gov](http://joblink.alabama.gov)), IMDiversity.com, advertise in daily/weekly newspaper in service area, and advertise in daily newspaper of regional/statewide coverage.

Salary Schedule E: a minimum of 14 days prior to application deadline post on institution website and ACCS website.

Salary Schedule H: a minimum of 14 days prior to application deadline post on institution website.

For adjunct instructor positions, tutor positions, and hourly employees, a continuous ad may be posted on the institution's website. If a continuous ad is

not posted, these positions must be posted for a minimum of 14 days prior to the application deadline.

15. Report to the Chancellor the outcome of each search using the Notification of Hire form.
16. Reestablish and reappoint the Recruitment and Selection Committee(s) and publicize annually that institution is seeking persons to serve on the committee(s). This may be accomplished by email or memo from the President to all staff, faculty, and administration. (Salary Schedules B, C, D and E)
16. Report to the Chancellor the names and affiliations of all members of the Recruiting and Selection Committees for each vacancy. (Salary Schedules B, C, D and E)

POLICY NAME:	<b>602.02: Hiring Practices and Procedures</b>
EFFECTIVE:	05-25-06
SUPERSEDES:	602.02 issued 03-24-05; 01-22-04; 12-08-94
SOURCE:	State Board of Education Resolution; <i>Code of Alabama</i> 16-60-111.4 and 16-60-111.7
CROSS REFERENCE:	Policy 203.02 and 204-01

Vacancies in presidential, full-time faculty, and other full-time administrative and supervisory positions, regardless of whether the position is shown on Salary Schedules A, B, C, or D, shall be filled according to the practices and procedures set out in The Alabama College System Uniform Guidelines.

(July 2006)

**GUIDELINES FOR POLICY**  
**602.02: HIRING PRACTICES AND PROCEDURES**

- I. The President (or designee) of each institution shall post notices of all personnel vacancies, full-time and part-time, temporary and non-temporary, for all salary schedules. The vacancy notice shall be posted in an area in plain view at each institution's main campus and all instructional sites at least fourteen (14) calendar days before the position is to be filled. These posting requirements shall not be implemented to alter, abridge, or replace practices and procedures set out in the Uniform Guidelines.
- II. The vacancy notice shall include, but is not limited to, the following:
  - A. Job description and title;
  - B. Required qualifications;
  - C. Salary schedule and amount;
  - D. Information regarding the location for submitting applications;
  - E. Information regarding any deadlines for receipt of applications;
  - F. Any other relevant information.
- III. When a personnel vacancy occurs during an academic term and is not a supervisory, managerial, or newly created position, the vacancy notice may be posted not less than seven (7) calendar days before the position is to be filled.
- IV. Posting of personnel vacancies shall not be abridged or delayed except in circumstances of dire emergency. Under such emergency conditions, any delay in the posting of notices shall be only temporary in order to reasonably meet the emergency conditions that may arise. Any such emergency conditions and posting(s) must be documented in writing to the Chancellor no later than the end of each academic term.

(These guidelines are issued in compliance with the requirements of Act 98-147.)

**SEARCH FILE CHECKLIST**

Position: \_\_\_\_\_

Date: \_\_\_\_\_  
Salary Schedule: \_\_\_\_\_

The search file should consist of a file folder labeled with each section heading below; the items under each section should be filed in the folder.

**Checklist**

- Copy of Completed Search File Checklist

**Job Description**

- Approved Job Description

**Vacancy Announcement**

- Vacancy Announcement approved by President

**Distribution Lists/Ads**

- Copy of email from DPE to Applicant Pool
- Individuals Requesting Position Announcement
- Two-Year Colleges
- Alabama Employment Office
- Newspaper Ads
- Purchase Orders for Classified Ads
- IMDiversity.com Ad
- Alabama JobLink Ad

**Search Committee**

- Search Committee Appointment Memo
- Copy of all correspondence to/from/between committee members
- Summary of Benefits
- Acceptable Pre-Employment Inquiries
- Suggested Interview Guidelines

**Correspondence**

- All other written correspondence

**Applicants**

- Search Committee Minimum Requirements Checklist
- Applications (Non-Finalists)
- Letters to Non-Finalists

**Evaluations**

- Search Committee Interview Schedule
- Scoring Charts
- Interview Questions
- Job Description Sign Off by Applicants

**Finalists Applications**

- Search Chair Memo to the President
- President's Interview Schedule
- Finalists Applications
- Reference Check Forms

**Finalists Questions**

- Finalists Questions from the President

**Explanation for Hire**

- Written Explanation for Rationale for Hiring
- Notification of Hire

**Additional Information**

- Copies of resumes of qualified applicants sent to DPE

**JOB SEARCH CHECKLIST**  
(SUPERVISOR/ADMINISTRATOR/HR DIRECTOR/PRESIDENT'S SECRETARY)

---

Position Available

---

Month, Year

- Prepare job description, position announcement, and newspaper ad.
  - duties and responsibilities of job
  - required education and work experience
  - required license, certification or other credentials
  - salary schedule and amount
  - information regarding the location for submitting applications
  - information regarding any deadlines for receipt of applications
  - requirements for verifying education, work experience, certification and/or experience, if applicable
  - any other relevant information
- Get ad and position announcement approved by Dean/Appropriate Administrator. Route position announcement and ad to President for approval.
- Email position announcement to DPE for review/approval.
- Mail approved position announcement to:
  - listed institutions
  - the local Alabama Employment Office
- Place position announcement in personnel mailboxes and on employee bulletin board.
- Make arrangements for advertisement in appropriate media sources.
  - a minimum of one time in a local newspaper for full-time positions on Salary Schedules other than B, C, and D.
  - one time in a local newspaper and one time in a daily newspaper of regional/statewide coverage for positions on Salary Schedules B, C, D.
- Mail applications/position announcements in response to requests. **(Highlight position announcement to indicate required materials and deadline date.)**
- Establish and maintain files for incoming applications, phone calls, and other correspondence.
- Log applications requested/mailed.
- Copy all application packets (enough for each Search Committee member) and forward to Search Committee Chair.

- Notify (by telephone) selected applicant of selection for employment, pending Chancellor's approval of placement on Salary Schedule if applicable (for Schedules B, C-1, and C-2 or for Schedule D only when credit is being given for high-tech experience so that the employee begins at a step higher than 0). (President or Appropriate Supervisor/Administrator)
  
- File all application materials relative to employment position.
  - Position announcement
  - Copy of memo appointing Search Committee, including race and gender of members
  - Interview schedule
  - Log of phone calls and applications/materials requested and mailed
  - Requests for accommodations (if applicable)
  - Application
  - Transcripts
  - Letters of recommendation
  - Signed job description/Reasonable Accommodations Statement
  - Interview questions/written exercises (initial and final interviews)
  - Copies of ads
  - Evaluation forms (initial and final interviews)
  - Documented verification of work experience
  - Reference check forms
  - Letters to non-selectees
  - President's justification for employment
  - Notification of Hire

**JOB SEARCH CHECKLIST**  
(PRESIDENT AND APPROPRIATE SUPERVISOR)

---

Position Available

---

Month, Year

- Select Search Committee and Chair and notify by memorandum. Complete the Recruiting and Selection Committee Form and forward a copy to the Chancellor.
- Forward to Search Committee Chair appropriate materials for job search.
  - Copy of Job Search Guidelines
  - Position announcement
  - Job description
  - Summary of benefits
  - Interview guidelines
  - Acceptable Pre-employment Inquiries
- If more than 10 applicants who meet minimum qualifications, may meet with Search Committee to conduct a preliminary screening of applicants to determine a “reasonable number” for interviews.
- Schedule final interviews with President, appropriate supervisor/administrator, and applicant. (President’s Secretary/Search Committee Chair)
- Review final applicant materials, including reference checks.
- Interview final applicants. Discuss employee benefits
- Justify decision in writing. (President Only)
- File written justification for decision in Search Committee folder. (President’s Secretary)
- Prepare and route memo to Dean of Financial Affairs/HR Director informing him/her of placement on the salary schedule and beginning date of the new employee with a copy to appropriate administrator.
- Prepare and mail Notification of Hire with resumes of all applicants interviewed by President.
- Issue employment contract and route signed document accordingly.

## VACANCY ANNOUNCEMENT GUIDELINES

1. Vacancy announcements must contain a posting date, salary range, and describe fully the duties, qualifications, and selection criteria. At the **top** of each vacancy announcement, include a posting date (i.e., Post date: February 1, 2008). This indicates to DPE the date you want the position to be posted and emailed to the Applicant Pool.
2. Place the following information when advertising ANY vacancy in the news media:  
  
[Institution Name] is an Equal Opportunity Employer. (This may be shortened for cost purposes to EOE on the advertisement.)
3. Place the following statement on ALL job vacancy announcements:  
  
[Institution Name] is an equal opportunity employer. It is the official policy of the Alabama Department of Postsecondary Education, including postsecondary institutions under the control of the State Board of Education, that no person shall, on the grounds of race, color, handicap, gender, religion, creed, national origin, or age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program, activity, or employment. [Institution Name] will make reasonable accommodations for qualified disabled applicants or employees. [Institution Names] reserves the right to withdraw this job announcement at any time prior to the awarding.
4. Email vacancy notices for **all full-time** positions to the DPE HR Specialist for review and approval a minimum of 21 days prior to the application deadline for Salary Schedule B, C, and D positions, and a minimum of 14 days prior to the application deadline for Salary Schedule E and H positions.
5. Members of the Applicant Pool who have indicated that they cannot receive notification by email **MUST BE NOTIFIED BY U.S. MAIL OF ALL VACANCIES** within the timeframes listed above (#4.).

## SAMPLE VACANCY ANNOUNCEMENT

### INTENT TO EMPLOY Posting Date: February 1, 2008

**POSITION:** Dean of Finance and Administration

**QUALIFICATIONS:** Minimum Qualifications

< Master's degree preferred (in accounting or finance or MBA with emphasis in accounting and finance) or Bachelor's degree (in business with emphasis in accounting or finance) with five (5) years experience in administrative business operations.

**OR**

< Certified Public Accountant certificate and two (2) years of experience.

#### DUTIES AND RESPONSIBILITIES:

1. Design and recommend for approval organizational structure, personnel staffing patterns, and job responsibilities for effective performance within the Business Office and administrative services.
2. Develop fiscal policies.
3. Direct resource allocation analysis.
4. Develop and implement long and short-range goals and plans consistent with goals and mission of the institution.
5. Direct plant operations, construction, coordination, purchasing, leasing, and contracts for operation and maintenance.
6. Direct auxiliary services including the bookstore, food services and vending operations.
7. Responsible for evaluating and maintaining cooperative and supportive relationships with other areas of the institution.
8. Review and recommend budget requests, monitor budgets and operating expenditures of the institution.
9. Encourage the training and development of all staff through active support of staff development.
10. Participate actively in professional, civic, and educational organizations, agencies, and activities, which benefit the institution and community.
11. Represent the President at functions and activities as requested.

**SALARY:** Range of \$64,665 to \$83,803, based on State Board of Education Salary Schedule experience.

**POSITION AVAILABLE:** September 1, 2006

**APPLICATION DEADLINE:** March 31, 2006

#### APPLICATION PROCEDURE:

For application contact:

Ms. Jane Doe  
ALABAMA COMMUNITY COLLEGE  
PO Box 302130  
College, AL 36130  
(334) 555-5555

All applicants must have on file a completed application, resume, and copies of all college transcripts by the deadline date. From all the applications received, a screening committee will select the applicants to be interviewed. Interviews will be by appointment only. Applicants must demonstrate proficiency in written English as part of the on-campus interview process.

Alabama Community College is an equal opportunity employer. It is the official policy of the Alabama Department of Postsecondary Education, including postsecondary institutions under the control of the State Board of Education, that no person shall, on the grounds of race, color, handicap, gender, religion, creed, national origin, or age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program, activity, or employment. [Institution Name] will make reasonable accommodations for qualified disabled applicants or employees. Alabama Community College reserves the right to withdraw this job announcement at any time prior to the awarding.

## **JOB DESCRIPTION GUIDELINES**

1. Develop and complete prior to announcement of ALL vacancies.
2. Must contain – (a) duties and responsibilities of job; (b) required education and work experience; (c) required license, certification, or other credentials; (d) all other special qualifications or requirements.
3. Reviewed annually.

## STATE COMMUNITY COLLEGE JOB DESCRIPTION

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

Supervisor's Title: \_\_\_\_\_

**JOB SUMMARY:**

**ESSENTIAL FUNCTIONS:**

Comply with all policies of the State Board of Education, the Department of Postsecondary Education, and the Institution.

**REQUIRED EDUCATION, EXPERIENCE, STANDARDS, AND TRAINING:**

**REQUIRED LICENSE, CERTIFICATION, OR SPECIAL CREDENTIALS:**

**OTHER QUALIFICATIONS AND JOB REQUIREMENTS:**

Reviewed by:

Employee's Signature \_\_\_\_\_ Date \_\_\_\_\_

Supervisor's Signature \_\_\_\_\_ Date \_\_\_\_\_

## **SAMPLE NEWSPAPER ADVERTISEMENT**

### **ALABAMA COMMUNITY COLLEGE**

Dean of Finance and Administration:

Minimum qualifications: (1) Bachelor's degree (in business with emphasis in accounting or finance) with five (5) years experience in administrative business operations; Master's degree preferred; of (2) CPA certificate and two (2) years of experience.

Salary: Range of \$76,534 to \$85,858, based on State Board of Education Salary Schedule B and experience.

STARTING DATE: September 1, 2006. Application Deadline: 4:00 p.m. July 29, 2006. Call or write for application information and materials:

Ms. Susan Employee, Human Resources Director  
Alabama Community College  
P.O. Box 302130  
College, AL 36130  
(334) 555-5555

Alabama Community College is an Equal Opportunity Employer and complies with the Americans with Disabilities Act.

**OR**

## **SAMPLE NEWSPAPER ADVERTISEMENT**

ALABAMA COMMUNITY COLLEGE has the following position(s) open:

Dean of Finance and Administration

Contact for more information:

[www.alabamacollege.edu](http://www.alabamacollege.edu)

OR

Ms. Susan Employee, Human Resources Director  
Alabama Community College  
P.O. Box 302130  
College, AL 36130  
(334) 555-5555

Alabama Community College is an Equal Opportunity Employer. (or simply put EOE)



## **RECRUITMENT AND SELECTION COMMITTEE**

1. Appointed by President – may be one committee or more.
2. Membership: 40% black and 50% women.
3. Follows Search Committee guidelines.
4. Recommends three applicants to President – not ranked, in alphabetical order. Verification of education and experience of applicants who meet minimum qualifications; invitation for interview to those verified (>10 verified, President and committee shall have option of preliminary screening down to not less than 10 for interviews).

## **SAMPLE MEMO APPOINTING SEARCH COMMITTEE**

### MEMORANDUM

DATE: May 16, 2006

TO: Ms. Employee  
Ms. Smith  
Mr. Jones  
Ms. Brown  
Mr. Thomas

FROM: John Doe, President

SUBJECT: Search Committee, Dean of Finance and Administration

As you can see from the attached position announcement, we will be conducting an employment search for Dean of Finance and Administration. I am asking that the five of you serve on the Search Committee for filling this position and that Ms. Employee serve as Chair. Ms. Smith will provide secretarial support.

Please refer to your College Personnel Handbook for employment procedures. Ms. Employee will provide you with additional information at a later date. Thank you for your cooperation.

JD

Attachment

cc: Administrators (memo only)

**RECRUITMENT AND SELECTION COMMITTEE  
APPOINTMENT FORM**

---

*Name of Institution*

Date:

Position to be filled:

		Check One Category Per Person			Check All Applicable Categories				
NAME	TITLE	Faculty	Staff	Admin	Male	Female	Black	White	Other

## SEARCH COMMITTEE GUIDELINES

1. The President shall appoint a Search Committee (one or more) and designate a Chairperson. The Search Committee must be 40% black and 50% women.
2. The President shall provide the Search Committee Chair with a packet of information for each vacancy to include a copy of the following: job description; position announcement; schedule for completion of job search; a copy of the search committee guidelines; a summary statement of employee benefits; and a copy of interviewing guidelines and legal inquiry.
3. The Search Committee Chair shall meet with the Search Committee and formulate the questions to be used during the interviews. Committee members should take an active part in all phases of the interview process.
4. If there are new or inexperienced persons serving on the Search Committee, the Chairperson should meet with them before the scheduled interviews and explain the interview process. Remind them that they can ask only the questions on the form. This ensures that all applicants are asked the same questions.
5. Committee members should be reminded that all Search Committee activities and discussions are extremely **confidential** and should not be discussed with or in the presence of others. Remind them, too, that only the Search Committee Chair is authorized to answer questions from applicants or potential applicants.
6. If more than ten (10) applications are received from persons who meet minimum qualifications, the President, in conjunction with the Search Committee, has the option of conducting a preliminary screening of these applicants to determine a “reasonable number” for interviews. This “reasonable number” cannot be less than ten (10), and the President’s participation in the preliminary screening cannot be delegated to anyone else.
7. An applicant’s qualifications for the position including education, minimum experience (if applicable), and certification (if applicable) must be verified for positions on Salary Schedules B, C, and D before the applicant can be scheduled for an interview. **Verification of educational requirements may be done by copies of transcripts. Verification of minimum experience (employment) must be done through documentation provided by an employer or former employer. (Information from friends, relatives, pastors, co-workers, etc., will not suffice.) Verification of certification may be done by copies of current licensure, certificates, etc.**
8. The Search Committee is to recommend **three (3)** applicants to the President who **best match** the requirements of the job. The committee looks at each applicant’s education and experience and matches these qualifications to the requirements of the job and the needs of the Institution. No applicant should be recommended to the

President who, in the opinion of the Committee, does not match the qualifications and requirements of the job and the needs of the Institution. **If fewer than three qualified applicants apply, all qualified applicants must be submitted to the President in alphabetical order.** The Search Committee or President may recommend that the search be reopened if none of the qualified and/or recommended applicants meets the needs of the institution.

9. If a disabled candidate is to be interviewed, the Search Committee should seek guidance from the ADA Coordinator.

NOTES:

1. Only the Search Committee Chair is authorized to answer questions or offer comments about any job opening.
2. Any telephone messages or other information pertinent to a job application should be stapled to the application to avoid loss of information.
3. Any member serving on a Search Committee must resign from the committee if the member or a relative of the member applies for the position for which the search is being conducted.
4. Any questions pertaining to Search Committee policies or procedures should be directed to the HR Director/President/President's Secretary.

## **JOB SEARCH CHECKLIST** (SEARCH COMMITTEE CHAIR)

---

Position Available

---

Month, Year

- Receive appointment letter from President listing committee members.
- Get position information from President/Designee to include:
  - Position announcement
  - Job description
  - Summary of employee benefits
  - Acceptable Pre-employment Inquiries
  - Interview Technique Guidelines
- Identify first time committee members and schedule meeting with them before scheduled interviews to explain the interview process. \*Remind them that they can ask only the questions on the form. This ensures that all applicants are asked the same questions.
- Schedule meeting with all committee members. Remind the members of the following:
  - All Search Committee activities and discussions are extremely confidential and should not be discussed with or in the presence of others.
  - Only the Search Committee Chair is authorized to answer questions from applicants or potential applicants.
- Provide Search Committee members with copies of the following:
  - Application packet
  - Summary of employee benefits
  - Interview Technique Guidelines
  - Acceptable Pre-employment Inquiries
- Develop questionnaires/evaluation forms/other interview materials to be used in interviews.
- Review with committee members all applications to determine applicants who meet minimum qualifications.
- Verify and document education, certification, and/or experience of applicants who appear to meet minimum qualifications.
- If more than 10 applicants, the Committee along with the President may conduct a preliminary screening of applicants to determine a “reasonable number” for interviews. The “reasonable number” cannot be less than 10, and the President’s participation in the preliminary screening cannot be delegated to anyone else.
- Establish time frame and schedule for interviews.

- Schedule applicants for interviews (including skills tests, teaching demonstrations, or other exercises, if applicable) by telephone/letters if necessary. Inform applicant of multi-step interview process and writing exercise, teaching demonstration, or other skills tests (if applicable).
- Disseminate interview schedule to Search Committee members and to “front office” personnel if applicants will wait in “front office.”
- Interview applicants according to guidelines provided. Have applicant sign job description indicating ability to perform job duties with or without reasonable accommodations.
- Evaluate applicants, completing Evaluation Form(s) and Summary.
- Compile Skills Test Scoring Form (if applicable).
- Conduct Reference Checks.
- Recommend three (3) final applicants in alphabetical order in writing and route application materials for final applicants to President.
- Establish time frame/schedule for final interviews with President’s Secretary.
- Schedule recommended applicants for interviews with President and appropriate supervisor/administrator.
- Prepare final interview questions/skills tests/topic for teaching demonstration (if applicable) for President’s approval.
- Prepare final interview folder to include:
  - Position announcement;
  - Application materials;
  - Interview questions,
  - Skills tests, teaching demonstration topic, and/or other exercises;
  - Benefits sheet;
  - Salary schedule;
  - College catalog; and
  - Possible questions/topics sheet
- Prepare, sign, and mail letters notifying “non-selectees” of appointment of other applicant. Copy “non-selectees” letter and attach to each application. (Do not send letters to the selected applicant or applicants who withdrew.)
- Route all applications/application materials, position announcement, ad copy, and interview materials to President’s Office. (All supporting materials, such as transcripts, letters of reference, etc., should be attached to each individual application.)
- Prepare memo for President’s signature informing institution personnel of new employee and disseminate.

## **INTERVIEWING TECHNIQUES**

### **PREPARING FOR THE INTERVIEW**

The purpose of the selection interview should be to collect additional information beyond that provided on the application form regarding the applicant's job-related skills, knowledge, and abilities. This information should be used to select the applicant most likely to succeed on the job. It is important to evaluate the same general criteria for each applicant. Applicants should be evaluated against the job description or job specifications and not against each other.

1. Always review the job description and specifications. A job description will be included with each folder of applications.
2. Prepare questions before the interview. These questions must be formulated to reveal those areas of knowledge, skills, and abilities required for a new employee to be successful on the job. Following are sample structured interview questions for a typical management job:
  - a. Tell me about your job: To whom do you report? How many other employees report to this supervisor and what are their job titles? What do you like most about your current job? What do you like least?
  - b. What were your two most important achievements in your current job?
  - c. How do you think your subordinates would describe you as a manager and supervisor?
  - d. What attributes do you believe an effective manager should possess?
  - e. What plans do you have for self-development in the next 12 months?
  - f. What types of criticism are leveled at you most often?
  - g. How do you plan and organize your work?
  - h. Many of us improve our personal interaction with others as we mature. Looking back over the past two years, in what way have you improved?
  - i. What steps do you generally follow in making a decision?
3. Review the resume, application form, transcripts and any correspondence that would be useful in understanding the applicant's background. This review should be done before the interview so you do not have to refer to the materials frequently. Spontaneity is lost when one interviews from an application form.
4. Remember that most applicants will be well prepared for the interview process; don't give them any less a quality professional interview than they expect.

### **CONDUCTING THE INTERVIEW**

1. Establish rapport through warm greetings and introductions. A small amount of get acquainted talk aids in free communications.

2. Explain the purpose and the agenda to help relax the applicant.
3. Gather predictive information by using good listening, probing, reflecting, summarizing and evaluating skills.

This will encourage the sharing of facts and help control the interview. **Ideally you should talk no more than 25 percent of the time. Your job is to listen and to evaluate; if you are talking, you are not learning anything about the applicant.**

### **TIPS**

- a. Use a variety of questions and comments to alter the pace of the interview.
- b. Avoid asking questions that require only a yes or no answer. Don't ask, Did you like that job? Instead inquire, What things did you like most about the job?
- c. Avoid asking leading questions that would encourage the applicant to slant answers to suit you.
- d. The use of why, how, what, and describe or tell me about will yield more complete answers than leading questions such as, Do you like to work with people?
- e. Don't be overly concerned by silences. They can elicit significant additional information.
- f. If you take notes, which can be very helpful later, explain to the applicant what you are doing and why.

Do not recruit the applicant during the interview. The time should be spent finding out about the applicant, not selling the position.

1. Describe the job and the organization. Save a detailed description of duties until this point in the interview to avoid coaching the applicant. Exercise caution in discussing salary, promotional opportunities, tenure or other job security. The information you provide may be interpreted as an implied employment contract. The President's Office will be responsible for supplying salary and benefits information to the applicant.
2. Answer questions and allow the applicant to add information.
3. Conclude the interview. Thank the applicant for his/her time, outline what will happen next; and/or provide a date when a decision will be reached.

## **POST INTERVIEW PROCEDURE**

Review the minimum qualifications, job description and other requirements as noted on the position description. When making the final decision as to which applicant to recommend for hire, *only information that is job-related should be used*. Candidates must be *evaluated against selection criteria* and not against each other.

## INTERVIEWING PROTECTED CLASS CANDIDATES

Questions related to sex, age, color, race, religion, national origin, or disability are inappropriate when interviewing candidates for positions. Common sense, common courtesy, and a professional approach are the cardinal rules for successful interviewing. In order to ensure that you are conducting a nonsexist and nonracist interview, you should remember to:

1. Ask the same general questions and require the same standards for all applicants;
2. Treat all applicants with fairness, equality, and consistency;
3. Follow structured interview plans that will help achieve fairness in interviewing.

In other words, treat all applicants in exactly the same way. Discriminatory behavior is improper, even when it is not intended.

The following suggestions should be helpful in ensuring that no federal or state equal employment opportunity laws are violated in the interview:

- Ask questions that are relevant to the job itself. For instance, while in most cases men would have no reason to suppose improper significance of questions regarding marriage plans, because of past discrimination, women would. So do not inquire into: her marital status or nonmarital arrangements; what her husband does, how much he earns; whether he is subject to transfer, how he feels about her working or traveling; whether she has children (or plans to), how many, and their ages; arrangement for the care of her children; or her views on birth control, abortion, or women's issues.

You may cite the hours required by the job and ask if he/she will have difficulty meeting them. For example, you may say, We start at 8:00 a.m. here and leave at 5:00 p.m. Will you have difficulty meeting those hours? If he/she brings up any problem he/she may foresee in child care, etc., then indicate what services are available.

Be careful not to draw assumptions about a woman's competence based on her soft voice or feminine appearance or attire.

Be professional and consistent in addressing men and women. If using first name, do so for all candidates. If not, then do not use a woman's first name and not the man's. In other words, in introducing a woman candidate, use Dr., Ms., or Miss, and a similarly appropriate title for the person to whom she is being introduced. For example, do not say, Mr. Powers, I'd like for you to meet Mary Lou (candidate).

1. Avoid flirting, patronizing, or making sexual jokes during the interview. Try to behave toward women in a completely businesslike, yet relaxed way.
2. Avoid bringing up stereotyped prejudices: women shouldn't travel alone; they are too emotional; they aren't aggressive enough. Don't tell negative stories about former women employees.

3. Don't go to the opposite extreme by boasting about your liberation, by pointing out how fair-minded you are, or by giving an instant-replay of every female or minority story you know.
4. In making a selection or recommendation, avoid making assumptions such as the following:
  - a. Supervisors or managers might prefer men or employees of certain ethnic/racial origins;
  - b. Clients or customers might not want to deal with women or minorities;
  - c. Co-workers might object;
  - d. Women's work might lack credibility;
  - e. The job might involve travel, or travel with the opposite sex or members of certain ethnic/racial backgrounds that would disqualify the applicant;
  - f. The job might involve unusual working conditions that would disqualify the applicant.
5. Do not place undue emphasis on conditions of employment (such as travel, heavy lifting, long hours, etc.) in the hope of discouraging the candidate and getting him or her to withdraw from the competition. It is for the applicant, not the employer, to decide whether he or she wants the job - based on a clear, honest explanation of what the conditions are.
6. If asked, give accurate information about the number of women or minority employees already in the organization. Again, if a candidate asks, and if you don't have women or minorities in your own department, then arrange for the person to meet other women or minority staff members. On the other hand, do not assume that this candidate will necessarily want to meet other women or minority employees.
7. Obviously, do not indicate that you're interested in hiring a woman or minority person as a statistic to improve your department's Affirmative Action/Equal Employment Opportunity profile. It's unlawful and an insult to apply different standards based on a applicant's sex or minority status.

**ACCEPTABLE PRE-EMPLOYMENT INQUIRIES  
UNDER EEOC GUIDELINES**

Subject Area	Acceptable	Unacceptable
Name	For access purposes, whether applicant work records are under another name.	To ask if a woman is a Miss, Mrs. or Ms., or to ask for maiden name.
Residence	Applicant's phone number or how applicant can be reached.	Place and length of current and previous addresses.
Age	None. <i>After hiring</i> , proof of age by birth certificate.	a) Age or age group of applicant. b) Birth certificate or baptismal record before hiring.
National Origin/ Ancestry	None.	a) Birthplace or ancestry of applicant, parents, grandparents or spouse. b) First or native language. c) Any other inquiry into national origin.
Race or Color	None. Inquiry of race for affirmative action plan statistics, <i>after hiring</i> .	Any inquiry that would indicate race or color.
Sex	None. Inquiry for affirmative action plan statistics, <i>after hiring</i> .	Any inquiry that would indicate sex unless job-related.
Religion or Creed	None.	a) Birthplace or ancestry of applicant, parents, grandparents or spouse. b) Recommendations or references from church officials.
Citizenship	a) If U.S. residence is legal. b) Required proof of citizenship, <i>after hiring</i> . "If hired, can you show proof of authorization to work in the United States?"	a) If native-born or naturalized. b) Proof of citizenship before hiring. c) Whether parents or spouse native-born or naturalized. d) Date of citizenship.
Marital Status	None. <i>After hiring</i> : a) Status (only married or single) for insurance and tax purposes. b) Number and ages of dependents and age of spouse for insurance and tax Purposes.	a) To ask marital status before hiring. b) To ask the number and age of children, who cares for them, and if applicant plans to have children.
Military Service	a) Service in the U.S. Armed Forces, including branch and rank attained as part of work experience history. b) Any job-related experience. c) Military discharge certification only <i>after hiring</i> .	a) Military service records. b) Military service for any country other than U.S. c) Type of discharge. d) Membership in Reserves. e) Intent to join military.
Education	a) Academic, professional, or vocational schools attended, if relevant to the position. b) Language skills, such as reading and writing foreign languages, if relevant to the position.	a) Nationality, racial or religious affiliation of schools attended. b) How foreign language ability was acquired.
Criminal Record	Inquiries about convictions that relate to the position.	Arrest record. Convictions that do not relate to the position.
References	General and work references not related to race, color, religion, sex, national origin or ancestry.	References specifically from clergy or any other person who might reflect race, color, religion,

Subject Area	Acceptable	Unacceptable
Organizations	Organizational memberships , or Experiences gained as a result of, so long as relevant to the position.	sex, national origin, or ancestry. Listing of <i>all</i> clubs applicant belongs to or has belonged to.
Photographs	None. May be required <i>after hiring</i> for identification purposes.	a) Request photograph before hiring. b) To take pictures of applicants during interview.
Work Schedule	a) Willingness to work required work schedule. b) Whether applicant has military reservist obligations.	Willingness to work any particular religious holidays.
Physical Data	a) Require applicant to prove ability to do manual labor, lifting and other physical requirements related to essential functions of the job, if any. b) Require a physical examination after a job offer is made.	To ask if the applicant has a disability that would interfere with the ability to perform the job.
Disability	If the applicant can perform the essential functions of the job with or without reasonable accommodation.	To exclude disabled applicants as a class on the basis of their disability. Each case must be determined individually – Any inquiries that would elicit information about disability or health conditions.
Other Qualifications	Any area that has a direct reflection on the job applied for.	Any non-job-related inquiry that may present unlawful discrimination.

Source: *Civil Rights Act of 1964*, Title VII as amended; *Equal Employment Opportunity Act of 1972*; *Education Amendment of 1972*, Title IX; *Age Discrimination in Employment Act of 1967*; Equal Employment Opportunity Guidelines, 1978 and revisions; *Americans with Disabilities Act of 1990*, EEOC Guidelines on Preemployment Disability-Related Inquiries and Medical Examinations Under ADA.

## **SUGGESTED INTERVIEW GUIDELINES**

### **I. INTRODUCE THE SEARCH COMMITTEE BY NAMES AND TITLES**

Sample:

Susan Employee, Registrar

Peggy Jones, Administrative Assistant to the President

William Brown, English Instructor

Tracy Long, Assistant Dean of Instruction

### **II. DISCUSS THE INTERVIEW PROCESS**

- A. You were given the Job Description for the (Job Title) when you arrived today.

Have you had time to read it?

Will you be able to perform the essential job functions with or without reasonable accommodations? (Take the signed Job Description from the applicant and place it in his/her file.)

- B. The Search Committee will interview all qualified candidates. (If the number of qualified candidates is so many as to be prohibitive, the Committee Chair should refer to and abide by guidelines on checklist).

- C. This interview will have two parts. We will begin by asking you a series of questions. The committee will record your answers to help us in making our recommendations.

We will ask all of the applicants the same questions.

After we have completed these questions, you may have some questions you would like to ask us.

Following those questions, we have some questions we want you to complete in writing. You will move to another part of the building to complete your written answers. (Only if applicable to the position)

- D. The job of this Search Committee is to recommend to the President three applicants who best match the requirements for the job and the needs of the institution.

We are looking at your education and experience and matching them to the needs of the Institution as far as this position is concerned.

Three applicants will be recommended to our President, \_\_\_\_\_, for a second interview. He/She will make the final decision....

- E. Applicants who are selected for a second interview will be notified by telephone.
- F. All non-selected applicants will be notified by letter.
- G. We hope this process will be completed within the next three (or other appropriate time frame) weeks.

**III. DISCUSS INFORMATION RELATIVE TO THE JOB**

- A. Hours/Month/Days – Monday-Friday ( \_\_\_\_\_ a.m. - \_\_\_\_\_ p.m.)
- B. The salary range – (\$ \_\_\_\_\_ - \_\_\_\_\_) was printed in the position announcement; do you have any questions about the salary?  
  
The President will make the final determination about the salary based on the applicant's education and experience.
- C. Pay period – once per month; last working day of the month.
- D. Everyone is expected to recruit students for the institution.
- E. We anticipate this job to begin on \_\_\_\_\_.

**IV. EXPLAIN EMPLOYEE BENEFITS**

- A. Five percent of your income goes to Teacher Retirement; the State matches that amount with 4.03%.
- B. An employee is vested for retirement after 10 years.
- C. If an employee leaves the education field before retirement, he/she may withdraw the amount he/she has contributed to the fund.
- D. Health Insurance – PEEHIP
  - 1. Family plan costs the employee \$124/month.
  - 2. Single plan costs the employee \$2/month.
- E. LEAVE/HOLIDAYS (This information varies by position. See Chart)

**V. CONDUCT THE INTERVIEW USING QUESTIONNAIRE DEVELOPED BY SEARCH COMMITTEE**

**VI. FINALIZE THE INTERVIEW**

- A. Ask the applicant if he/she has any questions.
- B. Ask the applicant if there is a question that we did not ask that he/she would have liked for us to ask.
- C. Assign written questions (if appropriate) and tell the applicant what to do with them when completed. Take applicant to another room to complete the written questions.
- D. Thank him/her for coming.

## SAMPLE INTERVIEW FORM

APPLICANT'S NAME \_\_\_\_\_

DATE \_\_\_\_\_

### PROFESSIONAL SKILLS

Rating Scale (1-lowest, 3-highest)

1 2 3      1. Describe your general professional background and experience emphasizing particularly your experience in education and/or relevant area.

1 2 3      2. What are your employment goals? How are you preparing yourself to achieve them?

1 2 3      3. Rate yourself from 1-5 (with 5 being the highest) on:

Punctuality	_____	Accuracy	_____
Dependability	_____	Loyalty	_____
Organizational Skills	_____	Initiative	_____
Cooperation/People Skills	_____		

1 2 3      4. Tell us what you know about (name of institution).

1 2 3      5. Why do you want to work at (name of institution).

1 2 3 6. Tell us about your experience in working with students.

1 2 3 7. Describe your experience and skills in computer operations/data exchange.

1 2 3 8. What experience have you had in administering federal programs?

1 2 3 9. Describe something you have done which demonstrates your organizational or administrative skills.

1 2 3 10. Tell us why you would be the best person we could hire as the (Position Title). (Convince us that you are the right person for this job.)

\_\_\_\_\_ **Total Points**

### PERSONAL PROFILE

1 2 3 1. Oral communication: grammar usage appropriate, clearly understood, does not ramble.

1 2 3 2.

Clarification questions on application:

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Professional Skills	30 Points _____
Personal Profile	15 Points _____
	Total _____

Evaluator:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## SAMPLE EVALUATION SUMMARY

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Date

---

Applicant's Name

---

Score

Applicant was given the following information:

\_\_\_\_\_ Salary range

\_\_\_\_\_ Employee benefits

\_\_\_\_\_ Job description/Reasonable Accommodations Statement

\_\_\_\_\_ Beginning date of employment

COMMENTS:

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**SAMPLE APPLICANT QUALIFICATIONS/VERIFICATION FORM**

**POSITION TITLE:** \_\_\_\_\_

**NAME OF APPLICANT:** \_\_\_\_\_

**Qualification:**

- 1. \_\_\_\_\_ Master's degree in (Relevant Field)
- 2. \_\_\_\_\_ Bachelor's degree in (Relevant Field)
- 3. \_\_\_\_\_ Bachelor's degree in (Relevant Field)
- 4. \_\_\_\_\_ Experience working with students, preferably in a postsecondary educational setting.
- 5. \_\_\_\_\_ One year's experience with relevant programs preferred.
- 6. \_\_\_\_\_ Experience administering a relevant program.
- 7. \_\_\_\_\_ Knowledge of computer operations/data exchange.
- 8. \_\_\_\_\_ Knowledge of other relevant program preferred.
- 9. \_\_\_\_\_ Excellent organizational, administrative, and communication skills.
- 10. \_\_\_\_\_ Application
- 11. \_\_\_\_\_ Resume
- 12. \_\_\_\_\_ References (3)
- 13. \_\_\_\_\_ Verification of Education (Transcripts)
- 14. \_\_\_\_\_ Verification of Experience
- 15. \_\_\_\_\_ Verification of Certification (if applicable)

\_\_\_\_\_ Meets minimum requirements.

\_\_\_\_\_ Does not meet minimum requirements.

Additional requirements:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Committee Chair

\_\_\_\_\_  
Committee Member

\_\_\_\_\_  
Committee Member

\_\_\_\_\_  
Committee Member

## PRE-EMPLOYMENT REFERENCE CHECK FORM

**APPLICANT** \_\_\_\_\_ **POSITION** \_\_\_\_\_

**COMPANY CONTACTED** \_\_\_\_\_ **TELEPHONE** \_\_\_\_\_

**PERSON CONTACTED** \_\_\_\_\_ **TITLE** \_\_\_\_\_

What was your employment relationship with the applicant? \_\_\_\_\_

How long did you supervise (work with) this person? \_\_\_\_\_

What were the applicant's job title and duties? \_\_\_\_\_

\_\_\_\_\_

How would you compare him/her with others doing the work? \_\_\_\_\_

Strong points \_\_\_\_\_

Areas for improvement \_\_\_\_\_

If I were going to be this person's supervisor, what advice would you have for me to maximize his or her

performance on the job? \_\_\_\_\_

\_\_\_\_\_

Supervisory ability \_\_\_\_\_

Describe how he/she got along with people \_\_\_\_\_

Attendance/punctuality \_\_\_\_\_

Did this person exhibit any common personality traits that interfered with work performance? \_\_\_\_\_

Examples \_\_\_\_\_

\_\_\_\_\_

Reason for leaving \_\_\_\_\_

Would you re-hire? \_\_\_\_\_

Position for which best qualified \_\_\_\_\_

Additional comments \_\_\_\_\_

Checker's comments \_\_\_\_\_

\_\_\_\_\_

Reference checked by: \_\_\_\_\_ Date \_\_\_\_\_

### SUMMARY OF BENEFITS

BENEFIT	INSTRUCTOR	NON-INSTRUCTOR
Sick Leave	1 Day Per month  May accumulate up to 225 days	Same
<i>Annual Leave</i>	N/A (off between terms)	1-4 yrs.      1 Day Per month 5-9 yrs.      1.25 Days Per month 10-14 yrs.    1.5 Days Per month 15-19 yrs.    1.75 Days Per month 20 – up        2 Days Per month May accumulate up to 60 days.
Personal Leave	5 Days Per year (Converts to sick leave if not used)	2 Days Per year (Converts to sick leave if not used)
Emergency Leave	N/A	3 Days Per year
Holidays	14 (5 locally assigned)	14 ( 5 locally assigned)
Number of Work Days Contracted	229	260
Retirement	Pays 5% monthly. State matches 4.03%	Same
Health Insurance	Pays \$124.00 monthly for family coverage. Pays \$2.00 monthly for single coverage. If desired, employee may elect four options rather than health insurance options to include hospital indemnity, cancer, dental, and vision.	Same
Tuition Assistance at 2-Year College (Employees and Dependents)	Yes - 1/3 waived after 1 <sup>st</sup> year 2/3 waived after 2 <sup>nd</sup> year 3/3 waived after 3 <sup>rd</sup> year	Yes - 1/3 waived after 1 <sup>st</sup> year 2/3 waived after 2 <sup>nd</sup> year 3/3 waived after 3 years

**Note:** Employee is vested after 10 years in Retirement System. Employee may retire after 25 years of service or upon reaching age 60 with at least 10 years of service. After the employee is eligible for retirement, he/she may apply unused sick leave toward retirement. If employee leaves the system before becoming vested, he/she may withdraw all deposits. If employee dies while covered by Retirement System, and before retirement his/her beneficiary receives \$15,000 life insurance, one year's salary, and all payments made to the Retirement System.

**SAMPLE MEMO RECOMMENDING APPLICANTS  
FOR FINAL INTERVIEW**

**MEMORANDUM**

TO: PRESIDENT  
FROM: DEAN OF FINANCE AND ADMINISTRATION SEARCH COMMITTEE  
SUBJECT: APPLICANTS FOR FINAL INTERVIEWS  
DATE: May 18, 2006

Listed below are our recommended applicants for a final interview for the Financial Aid Coordinator position.

Ms. Jane Doe  
Mr. John Smith  
Ms. Mary Taylor

## **SELECTION BY PRESIDENT**

1. Must interview the finalists.
2. May select one of applicants recommended by committee.
3. May not select any other person to fill vacancy.
4. May reopen the application and selection process.

(Name of College)

**Notification of Hire**  
(To be submitted within 10 days of hire)

**Position Filled:** \_\_\_\_\_

**Name of Hire:** \_\_\_\_\_

**Race:** \_\_\_\_\_ **Gender:** \_\_\_\_\_

**Salary Schedule Placement** (including Rank/Step): \_\_\_\_\_

**Salary Amount:** \_\_\_\_\_ **12-month ?** **9-month ?**

**Effective Date:** \_\_\_\_\_

**Position Previously Filled by Temporary Appointment:** **Yes ?** **No ?**

**Signature of President:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**RESUMES OF ALL APPLICANTS INTERVIEWED BY THE PRESIDENT**  
**MUST BE ATTACHED.**

**Mail to:**  
**Department of Postsecondary Education**  
**Legal and Human Resources Division**  
**Post Office Box 302130**  
**Montgomery, Alabama 36130-2130**

## GUIDELINES FOR LATERAL INTERNAL TRANSFER

The President sends a letter of request to Chancellor with a detailed description of the lateral internal transfer and the proposed effective date. Include with the letter the following documentation:

*Lateral Internal Transfer* form

Current Job Description

Proposed Job Description

1. The vacant position must be advertised by sending notice to each of the employees at the institution that are on the same salary schedule as the vacant position. The vacant position must be advertised for 14 days.
2. If no one else applies, the President may submit *Lateral Internal Transfer* form for approval by the Chancellor.
3. If others do apply, the President must interview all candidates for the position. The President also has the option of completing the process through the search committee process.
4. Appointment must be supported by written explanation.
5. Lateral internal transfers must be approved by the Chancellor's Office and will not be effective until such time as approval is received.



## **GUIDELINES FOR A LATERAL TRANSFER BETWEEN INSTITUTIONS**

1. Receiving institution submits a *Request to Fill a Position by Lateral Transfer* form for approval by the Chancellor.
2. Upon receipt of approval, the position must be advertised by sending notice to each of the institutions and DPE to be placed on the website. Each institution should post the position to employees on same salary schedule.
3. The employee wishing to transfer must send a written request to the president of current employing institution for transfer.
4. If no one else applies, the receiving institutions submits the *Request for Approval of Lateral Transfer* form signed by both presidents for approval by the Chancellor.
5. If others do apply, the President must interview all candidates for the position. The President also has the option of completing the process through the search committee process.

**REMEMBER: A lateral transfer between institutions may not be completed and is not effective until final approval from the Chancellor is received.**

**The Alabama Community College System  
REQUEST TO FILL A POSITION BY LATERAL TRANSFER  
BETWEEN INSTITUTIONS**

Requesting Institution: \_\_\_\_\_

Position Title: \_\_\_\_\_  
(Attach copy of vacancy/position announcement)

Salary Schedule (circle one):  A B C D E  Salary: \_\_\_\_\_

Justification for Request:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By signing below, the president of the institution affirms that funds are available for the position, and that the position will not create financial hardships for the institution.

\_\_\_\_\_  
(President's Signature Required) \_\_\_\_\_ Date

\_\_\_\_\_  
This section to be completed by Department of Postsecondary Education.

It is recommended that the Chancellor (approve/not approve) this transfer based on the information provided.

\_\_\_\_\_  
Department Staff \_\_\_\_\_ Date

<b>APPROVED:</b>		<b>NOT APPROVED:</b> (see below)	
_____ <b>Chancellor</b>	_____ <b>Date</b>	_____ <b>Chancellor</b>	_____ <b>Date</b>

Your request to fill this position is not approved at this time for the following reasons:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## **GUIDELINES FOR REORGANIZATION OF POSITIONS**

The President sends a letter of request to Chancellor with a detailed description of the reorganization and the proposed effective date. Include with the letter the following documentation:

*Reorganization of Positions form*

Current Job Description

Proposed Job Description

1. Completed in cases of expansion or reassignment of duties.
2. Modifications involving changes of title, salary, placement, benefits, or level of supervisory responsibility are subject to prior written approval of Chancellor.
3. Approved by the Chancellor's Office and will not be effective until such time as approval is received.



## **GUIDELINES FOR TEMPORARY APPOINTMENTS**

1. Established for a period of one (1) year or less: non-renewable contract or grant for twelve (12) months or less; unanticipated vacancy to be filled for less than one year
2. Notification sent to DPE prior to appointment indicating name, race, gender, position, salary, and salary schedule.
3. No person who is appointed to a temporary position will be given preference for a permanent appointment by virtue of serving in the temporary position.
4. President must receive approval from the Chancellor for any extension to temporary appointments. Presidents must notify the Chancellor of the reason for the extension, expected duration, and date position will be advertised.

**NOTIFICATION OF TEMPORARY APPOINTMENT**

**NAME OF INSTITUTION:** \_\_\_\_\_

**POSITION TO BE FILLED:** \_\_\_\_\_

**NAME OF PERSON TO BE APPOINTED:** \_\_\_\_\_

**RACE:** \_\_\_\_\_ **GENDER:** \_\_\_\_\_

**EFFECTIVE DATE OF APPOINTMENT:** \_\_\_\_\_

**SALARY SCHEDULE:** \_\_\_\_\_ **SALARY:** \_\_\_\_\_

**JUSTIFICATION FOR TEMPORARY APPOINTMENT:**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**Signature of President** **Date**

**REMINDER:**

**TEMPORARY APPOINTMENTS MAY NOT EXCEED ONE YEAR IN DURATION. SHOULD AN EMERGENCY SITUATION ARISE REQUIRING AN EXTENSION OF A TEMPORARY APPOINTMENT, APPROVAL BY THE CHANCELLOR MUST BE REQUESTED IN WRITING PRIOR TO THE EXTENSION.**

**This form is to be submitted prior to the effective date of the temporary appointment.**

**Send to:  
Division of Legal and Human Resources  
Department of Postsecondary Education  
Post Office Box 302130  
Montgomery, Alabama 36130-2130  
or fax to:  
334-242-0246**

## UNIFORM GUIDELINES FOR ADVANCEMENT

## SALARY SCHEDULE E

Advancement within a level for a position on Salary Schedule E shall be based on several components, as listed below.

- A. Individuals seeking advancement within a level on Salary Schedule E **must** have the following:
1. Written request to the President from the individual desiring advancement; and
  2. Written recommendation(s) from appropriate administrator(s), with appropriate documentation; and
  3. Job performance, as demonstrated by a series of performance evaluations, with the individual scoring “above average” or “exceeding expectations” on the last two annual job performance evaluations, with no major weaknesses, liabilities, or problems noted; and
  4. Incumbency in the position at the current salary grade for at least three years, absent unusual and extenuating circumstances documented by the appropriate administrator(s); and
  5. Adherence to a written Professional Development Plan, which must include the following: (a) Addition to the position of higher order compensable factors, including but not limited to addition to the position of increased supervisory responsibility; (b) Attainment of appropriate education and/or professional development which is job related and which increases the individual’s knowledge or skills germane to the position, resulting in the individual becoming more valuable in helping the organization to meet stated goals or objectives; and (c) Attainment of increased technical competence through certification, licensing, or training which is job related and which expands the ability of the individual to perform critical job functions.
- B. In addition to the above requirements, for individuals seeking advancement within a level on Salary Schedule E, the President may also consider the following factors:
1. Market conditions in the area served by the institution;
  2. Existence of unique circumstances or situations at individual institutions, justifying advancement, including demonstration of ingenuity, creativity, etc.

**PROFESSIONAL DEVELOPMENT PLAN FOR SUPPORT STAFF**

**COLLEGE**

Name: \_\_\_\_\_

Position Title: \_\_\_\_\_ Salary Schedule E Level \_\_\_\_\_ and Grade \_\_\_\_\_

Current Educational Level: \_\_\_\_\_ Discipline/Field of Study: \_\_\_\_\_

Current Certification/Licensing: \_\_\_\_\_  
\_\_\_\_\_

**ACTIVITIES FOR PROFESSIONAL DEVELOPMENT INCLUDE:**

- 1. Goals for higher educational level/certification/licensing/endorsements/courses

List: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 2. Additional work experience

List: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 3. Workshops/seminars/conference

List \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 4. In-service or other training (including local and state professional development)

List \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Service on college committees/additional college responsibilities

List: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Improvement activities resulting from evaluation (Attach copy of most recent evaluation.)

List: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Other relevant activities (including supervisory responsibilities, organization and facilitation responsibilities, job complexity)

List: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_  
(Immediate Supervisor)

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_  
(Appropriate Vice President/Dean)

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_  
(President)

(Amended 2-10-99)

**EXHIBIT 1**

Key to \*: Assistant Directors, Assistants (Exec. or Adm.), Coordinators in all areas fit into the following classifications according to the position the job answers to:

- Level I if answering to President or Vice-President
- Level II if answering to Provost or Dean level position
- Level III if answering to Dean level position or below

Secretaries in all areas fit into the following classifications according to the position the job answers to:

- Level III if answering to President or Vice-President
- Level IV if answering to Provost, Dean level position, or below

	Academic Support	Instruction (Acad./Tech, Cont. Ed)	Student Services Administration	Records	Financial Aid	Institutional Support	Computer Services	Maintenance/ Grounds/Cust/ Transportation	Security	Bookstore	Housing	Food Services	Industrial Training
Level I E 1 & 2	*	Nurse *	*	*	*	*	*	Supervisor Asst. Supervisor					
Level II E 2 & 3	*	* Graphic Artist	*	*	*	Accountant Purch. Agent *	Analyst Programmer Technician *	Supervisor Asst. Supervisor					
Level III E 3, 4, & 5	Manager *	Manager Staff Coach Graphic Artist Superintendent *	Manager *	Manager Transcript Evaluator *	Manager *	Secretary Manager Treasurer Asst. Acct. Purch. Agent *	Manager Operator Technician Programmer *	Supervisor Asst. Supervisor Manager Mechanic <sup>1</sup> Technician <sup>1</sup> Specialist <sup>1</sup>	Manager	Manager	Manager	Manager	
Level IV E 5 & 6	Secretary Clerk Specialist	Secretary Printer Clerk Specialist	Secretary Clerk Interpreter Recruiter	Secretary Clerk Transcript Evaluator	Secretary Clerk	Secretary Clerk Cashier	Secretary Clerk Operator	Secretary Clerk	Clerk	Clerk	Clerk	Clerk	
Level V E 6 & 7	Employee <sup>2</sup> Receptionist Clerk Technician	Employee Receptionist Clerk Technician	Employee Receptionist Clerk Technician	Employee Receptionist Clerk Technician	Employee Receptionist Clerk Technician	Employee Receptionist Clerk Technician	Employee Receptionist Clerk Technician	Employee Receptionist Clerk Technician	Employee Receptionist Clerk Technician	Employee Receptionist Clerk Technician	Employee Receptionist Clerk Technician	Employee Receptionist Clerk Technician	Employee Receptionist Clerk Technician

1 Categories to include skilled workers, i.e., painters, carpenters, electricians, etc.  
 2 Employee includes custodians, grounds workers, food service workers, bus drivers, and other general employees.

POLICY NAME:	<b>615.01: Conflict of Interest</b>
EFFECTIVE:	03-24-05
SUPERSEDES:	615.01 issued 12-08-94
SOURCE:	
CROSS REFERENCE:	

1. Honesty and professional integrity are expected of all employees. It would be a serious violation of this trust if the interests of any institution under the direction and control of the State Board of Education were to be disregarded in the course of performing professional duties. The use of official position and influence to further personal gain or that of families or associates is unacceptable behavior.
  
2. All employees have the right to acquire and retain status of a professional, personal, or economic nature. In a community as diverse and complex as the institutions that comprise The Alabama College System, there is always the possibility that the pursuit of individual interest may result in a conflict with those of the employing institution. This places an important responsibility on faculty and staff to recognize potential conflicts and prevent them. It is not expected that every employee will have a complete and current knowledge of the laws and regulations that apply to conflict of interest. However, all persons, particularly those with significant exposure to potential conflict of interest situations, should develop a sensitivity to this issue and seek guidance when appropriate.

(May 2005)

**GUIDELINES FOR POLICY  
615.01 CONFLICT OF INTEREST**

- I. Full-time employees of System institutions may, with the approvals described below, contract to perform independent research, to furnish services as a consultant, or both, provided that such activity: (a) does not interfere with the performance of other responsibilities as a System employee; (b) is limited in time; (c) is compatible with the interests of the individual employing institution; and (d) does not require use of institutional resources or facilities.
  
- II. Because of the great variation in the nature of employee expertise and outside activities, it is difficult to establish specific rules or time allocations for outside consulting activities. It is the responsibility of the employee, Department or Division Chair, Dean, and President to exercise judicious oversight and control of consulting activities so that no institutional or System functions or policies are neglected. Written prior approval to participate in any outside consulting activities shall be obtained from the President through the appropriate Department or Division Chair and Dean. Activities which shall be exempt from the requirement for prior approval include those things which, assuming they do not constitute a conflict of interest or conflict of commitment, are generally recognized as professional responsibilities, are limited in time, and do not involve the use of institutional resources. Examples of such activities might include: (a) participation in uncompensated manuscript review, grant/contract review, or academic program review; (b) uncompensated professional studies or services for not-for-profit entities; and (c) occasional compensated or uncompensated seminars, presentations, or performances for civic groups or at schools, colleges, universities, research institutes, or for-profit businesses.
  
- III. All other external consulting activities which draw upon the knowledge and skill of an employee require prior approval. Such compensated activities usually will include, but are not limited to: (a) one-time or multiple visits to a business for the purposes of offering advice and counsel; (b) carrying out investigations or studies which are not institutional grants or contracts; (c) a series of non-institutional lectures or performances; (d) serving as an expert witness; (e) rendering other specific professional services.

(STATE OF ALABAMA ETHICS COMMISSION)

January 13, 1999

**ADVISORY OPINION NO. 99-05**

Charles H. Howard  
2721 Hunterwood Drive, S.E.  
Decatur, Alabama 35603

Revolving Door/Assistant  
Superintendent For Business Of The  
Decatur City Board Of Education  
Contracting With The Board After  
His Retirement.

The Assistant Superintendent for  
Business of the Decatur City Board  
of Education may not, for a period of  
two years after retiring from the  
Decatur City Board of Education,  
contract back with the Board of  
Education to provide consulting  
services, as his job responsibilities  
with the Board of Education  
included the preparation and  
issuance of invitations for  
competitive bids, the receipt and  
analysis of competitive bids and  
recommendations to the Board of  
Education concerning the awarding  
of contracts.

Dear Mr. Howard:

The Alabama Ethics Commission is in receipt of your request for an Advisory Opinion of this Commission, and this opinion is issued pursuant to that request.

Charles H. Howard  
Advisory Opinion No. 99-05  
Page two

### **QUESTION PRESENTED**

May the retired Assistant Superintendent for Business of the Decatur City Board of Education enter into a contract with the Decatur City Board of Education after his retirement to assist in revising the Board's policy manual?

### **FACTS AND ANALYSIS**

For many years prior to his retirement on June 30, 1998, Charles H. Howard served as Assistant Superintendent for Business of the Decatur City Board of Education. His job responsibilities included serving as treasurer, as well as being responsible for the care, security and maintenance of all school property under the control of the Board of Education. He also served as the custodian of school funds and was required to keep adequate and comprehensive records of all receipts and disposition of school funds in conformity with laws and policies of both the state and local board. In addition, he was responsible for preparing the School Board's budget and depositing all School Board money.

In addition, Mr. Howard was the Board's Chief Administrative Officer in charge of business affairs and among other things supervised the preparation and issuance of invitations for competitive bids, the receipt and analysis of competitive bids and recommendations to the Board of Education concerning the award of contracts.

The Decatur City Board of Education is engaged in revising its policy manual. The Board has requested that Mr. Howard assist them in a consulting capacity in the review and revision of the policy manual and proposes to pay him for his work as a consultant on an hourly basis. They have approached Mr. Howard because of his years of service in the system and his familiarity with the system and its practices.

The Alabama Ethics Law, Section 36-25-1(23), Code of Alabama, 1975, defines a public employee as:

"(23) PUBLIC EMPLOYEE. Any person employed at the state, county, or municipal level of government or their instrumentalities, including governmental corporations and authorities, but excluding employees of hospitals or other health care corporations including contract employees of those hospitals or other health care corporations, who is paid in whole or in part from state, county or municipal funds. For purposes of this chapter, a public employee does not include a person employed on a part-time basis whose employment is limited to providing professional services other than lobbying, the compensation for which constitutes less than 50 percent of the part-time employee's income."

Charles H. Howard  
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Page three

Section 36-25-5(a) states:

"(a) No public official or public employee shall use or cause to be used his or her official position or office to obtain personal gain for himself or herself, or family member of the public employee or family member of the public official, or any business with which the person is associated unless the use and gain are otherwise specifically authorized by law. Personal gain is achieved when the public official, public employee, or a family member thereof receives, obtains, exerts control over, or otherwise converts to personal use the object constituting such personal gain."

Section 36-25-13(c) states:

"(c) No public official, director, assistant director, department or division chief, purchasing or procurement agent having the authority to make purchases, or any person who participates in the negotiation or approval of contracts, grants, or awards or any person who negotiates or approves contracts, grants, or awards shall enter into, solicit, or negotiate a contract, grant, or award with the governmental agency of which the person was a member or employee for a period of two years after he or she leaves the membership or employment of such governmental agency."

On November 4, 1998, the Alabama Ethics Commission issued the reconsideration of Advisory Opinion No. 98-44. That opinion held that:

"An individual who, prior to his or her retirement or otherwise leaving public service, held a position of authority with hiring and firing authority, purchasing or contracting authority, may not for a period of two years after retiring or otherwise leaving public service, contract back, accept part-time employment or reemployment with the entities from which he or she retired or otherwise separated from public service."

From the facts as provided, it is clear that while serving as the Assistant Superintendent for Business for the Decatur City Board of Education, Mr. Howard was in a position of authority, and therefore, would be barred, for a period of two years after retiring, from contracting with the Decatur City Board of Education to provide consulting services.

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Advisory Opinion No. 99-05  
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### **CONCLUSION**

The Assistant Superintendent for Business of the Decatur City Board of Education may not, for a period of two years after retiring from the Decatur City Board of Education, contract back with the Board of Education to provide consulting services, as his job responsibilities with the Board of Education included the preparation and issuance of invitations for competitive bids, the receipt and analysis of competitive bids, and recommendations to the Board of Education concerning the awarding of contracts.

### **AUTHORITY**

By 4-0 vote of the Alabama Ethics Commission on January 13, 1999.

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Camille S. Butrus  
Chair  
Alabama Ethics Commission

(STATE OF ALABAMA ETHICS COMMISSION)

November 4, 1998

**RECONSIDERATION OF  
ADVISORY OPINION NO. 98-44**

Jennifer J. Gullahorn  
Speech-Language Pathologist  
Albertville City School System  
401 Linwood Avenue  
Albertville, Alabama 35950

Revolving Door/Retired Public Employee  
Contracting Back With The Department  
With Which Formerly Employed To  
Perform Services.

A retired Speech-Language Pathologist with  
the Albertville City School System may  
contract on a part-time basis to perform  
services with the Albertville City School  
System after retiring from the Albertville  
City School System.

An individual who, prior to his or her  
retirement, or otherwise leaving public  
service, held a position of authority with  
hiring and firing authority, purchasing or  
contracting authority, may not, for a period  
of two years after retiring or otherwise  
leaving public service, contract back, accept  
part-time employment or re-employment  
with the entity from which he or she retired  
or otherwise separated from public service.

An individual who, prior to his or her  
retirement, or otherwise leaving public

Jennifer J. Gullahorn  
Advisory Opinion No. 98-44  
Page two

service, did not hold a position of authority nor had the authority to make purchases, approve or grant contracts nor was involved in the hiring process, may accept part-time or re-employment with the entity from which he or she retired or otherwise separated from public service.

Except as stated herein to the contrary, Advisory Opinion No. 98-35 in its entirety stands as rendered by the Commission.

Dear Ms. Gullahorn:

The Alabama Ethics Commission is in receipt of your request for an Advisory Opinion of this Commission, and this opinion is issued pursuant to that request.

### **QUESTION PRESENTED**

In light of Advisory Opinion Nos. 98-35 and 98-44, are there any circumstances in which a retired public employee or a public employee who has otherwise separated from public service may return on a part-time basis or accept re-employment with the public entity from which he or she retired or otherwise left the service of that public entity?

### **FACTS AND ANALYSIS**

On July 1, 1998, the Alabama Ethics Commission rendered Advisory Opinion No. 98-35. That opinion was intended to interpret as concisely and thoroughly as possible the “Revolving Door” provisions of the Alabama Ethics Law contained in Section 36-25-13. The opinion was prompted due to the retirement incentives that were passed by the Alabama Legislature during the 1998 regular session and the number of public officials who might be leaving office in the 1998 election cycle. The Commission felt it important to interpret as completely as possible the “Revolving Door” provisions due to the fact that there were numerous state employees who had planned to retire, receive the \$12,500.00 retirement incentive bonus, and then contract back with the department or agency from which they had previously retired or come back to work on a part-time basis. It was the Commission’s impression that this would be in direct contradiction with

Jennifer J. Gullahorn  
Advisory Opinion No. 98-44  
Page three

the spirit of the Ethics Law, as well as a subterfuge of the provisions of the “Revolving Door.”

Based on that set of circumstances, the Commission ruled that an employee, who retired from a public agency, could not contract back with that agency for a period of two years. That opinion held that, not only could a former public official or a public employee not lobby or otherwise represent his or her employer before the entity with which he or she was formerly employed, but he or she could not personally enter into a contract to perform services with that entity for a period of two years.

On September 2, 1998, the Commission rendered Advisory Opinion No. 98-44 which held:

“A retired Speech-Language Pathologist with the Albertville City School System may not contract on a part-time basis to perform services with the Albertville City School System for a period of two years after retiring from the Albertville City School System.”

“A retired Speech-Language Pathologist with the Albertville City School System may contract with Alabama School Systems other than the Albertville City School System to perform speech-language pathologist services.”

Subsequent to the rendering of Advisory Opinion No. 98-44, the Commission has received numerous inquiries and requests regarding the rehiring of retirees or other individuals who have left public service, and based on new circumstances and factual situations, the Commission deems it necessary to revisit Advisory Opinion No. 98-44.

In dealing with retirees who desire to come back to work for their former agency or other individuals who have left public service, it is important to take into consideration the intent of Section 36-25-13 and, therefore, decide who would benefit from this situation.

In numerous situations, any benefit derived from the rehiring of a former employee will accrue to the agency or department rehiring that individual and not necessarily to that former employee.

The following list of examples is intended to provide guidance and be illustrative of various situations that may arise. This list is not intended to be all inclusive, and it should be understood that in these examples it is assumed that the individual did not hold a position of authority as previously defined.

**Example 1.** A rural school system may have only one qualified teacher in that district to

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Advisory Opinion No. 98-44  
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teach French classes. Unless that school board is able to hire on a part-time basis that retired French teacher, the students in that school system will not be able to take French classes.

**Example 2.** There may not be anyone available other than that retiree who can train new employees to perform certain functions.

**Example 3.** A secretary who desires to take maternity leave and at the end of that maternity leave wishes to come back to her former position.

**Example 4.** An individual, who has worked for XYZ department of state government, transfers to ABC department and after a period of time desires to transfer back to XYZ department.

**Example 5.** An individual resigns from state employment in lieu of a pending lay-off.

**Example 6.** An individual retires then decides after a short period of time that he or she does not like retirement and would like to come back to work, thereby returning to the status quo.

**Example 7.** A college instructor retires but would like to teach one or two classes per quarter at the university from which he or she retired.

All of these situations present unique questions that go directly to the intent of Section 35-25-13.

The “Revolving Door” provisions were inserted in the 1995 Ethics Reform Act in an effort to prevent public officials and public employees from being in a position whereby they could use their public office to benefit themselves, either by having leverage in dealing with a private business and thereby obtaining employment with that private business or an individual leaving public service and returning in either a lobbying capacity or other representative capacity before the department, agency, board or commission on which they served or with which they were employed.

The crucial determinations to make in determining whether or not there are circumstances when a retired individual may come back to work are as follows:

1. Was that individual, prior to his or her retirement or separation from public service, in a position of authority with hiring/firing authority, purchasing or contracting authority.
2. Was that individual, prior to his or her retirement or separation from public service, a third or fourth tier employee or a line employee who did not have any authority over purchasing,

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contracting, or any involvement in the hiring process.

The above categories must be looked at separately due to the inherent authority contained in the first class of individuals.

Section 36-25-13(c) states that:

“(c) No public official, director, assistant director, department or division chief, purchasing or procurement agent having the authority to make purchases, or any person who participates in the negotiation or approval of contracts, grants, or awards or any person who negotiates or approves contracts, grants, or awards shall enter into, solicit, or negotiate a contract, grant, or award with the governmental agency of which the person was a member or employee for a period of two years after he or she leaves the membership or employment of such governmental agency.”

The above section recognizes that certain individuals by virtue of their position, such as public officials, directors, departmental or division chiefs, etc., have inherent in their job classification, certain responsibilities and have the authority to determine to some degree the outcome of the contractual process, grant process and hiring process. It is clear that these individuals, as well as those individuals with the express authority to make purchases or negotiate or approve contracts, grants or awards, may not retire or leave public service and contract back with that governmental agency for a period of two years. Otherwise, these individuals would potentially have the leverage to arrange for themselves, part-time employment prior to their retirement.

On the other hand, those individuals without the above authority, such as the average line employee, secretaries, clerical aides, etc., do not have the ability to influence or affect contracts, purchases or the hiring practices of that department. It is these individuals, who under certain circumstances, may be allowed to return to the department or agency from which they retired or left. For example, an individual returning from maternity leave, an individual who has transferred out of the department wanting to transfer back, an individual who resigns in lieu of being laid-off or other similar circumstances where an individual merely wishes to return to the status quo or a person not in a position of authority desires to be hired on a part-time basis.

Section 36-25-13(a) states:

“(a) No public official shall serve for a fee as a lobbyist or otherwise represent clients, including his or her employer before the board, agency, commission, department, or legislative body, of which he or she is a former member for a

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period of two years after he or she leaves such membership. For the purposes of this subsection, such prohibition shall not include a former member of the Alabama judiciary who as an attorney represents a client in a legal, non-lobbying capacity.”

Section 36-25-13(b) states:

“(b) No public employee shall serve for a fee as a lobbyist or otherwise represent clients, including his or her employer before the board, agency, commission, or department, of which he or she is a former employee for a period of two years after he or she leaves such employment. For the purposes of this subsection, such prohibition shall not include a former employee of the Alabama judiciary who as an attorney represents a client in a legal, non-lobbying capacity.”

Section 36-25-13(c) states:

“(c) No public official, director, assistant director, department or division chief, purchasing or procurement agent having the authority to make purchases, or any person who participates in the negotiation or approval of contracts, grants, or awards or any person who negotiates or approves contracts, grants, or awards shall enter into, solicit, or negotiate a contract, grant, or award with the governmental agency of which the person was a member or employee for a period of two years after he or she leaves the membership or employment of such governmental agency.”

Based on the above law and the facts as provided, a retired Speech-Language Pathologist with the Albertville City School System may contract on a part-time basis to perform services with the Albertville City School System after retiring from the Albertville City School System.

Further, an individual who, prior to his or her retirement, or otherwise leaving public service, held a position of authority with hiring and firing authority, purchasing or contracting authority, may not, for a period of two years after retiring or otherwise leaving public service, contract back, accept part-time employment or re-employment with the entity from which he or she retired or otherwise separated from public service.

Additionally, an individual who, prior to his or her retirement, or otherwise leaving public service, did not hold a position of authority nor had the authority to make purchases, approve or grant contracts nor was involved in the hiring process, may accept part-time or re-employment with the entity from which he or she retired or otherwise separated from public service.

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Except as stated herein to the contrary, Advisory Opinion No. 98-35 in its entirety stands as rendered by the Commission.

### **CONCLUSION**

A retired Speech-Language Pathologist with the Albertville City School System may contract on a part-time basis to perform services with the Albertville City School System after retiring from the Albertville City School System.

An individual who, prior to his or her retirement, or otherwise leaving public service, held a position of authority with hiring and firing authority, purchasing or contracting authority, may not, for a period of two years after retiring or otherwise leaving public service, contract back, accept part-time employment or re-employment with the entity from which he or she retired or otherwise separated from public service.

An individual who, prior to his or her retirement, or otherwise leaving public service, did not hold a position of authority nor had the authority to make purchases, approve or grant contracts nor was involved in the hiring process, may accept part-time or re-employment with the entity from which he or she retired or otherwise separated from public service.

Except as stated herein to the contrary, Advisory Opinion No. 98-35 in its entirety stands as rendered by the Commission.

### **AUTHORITY**

By 4-0 vote of the Alabama Ethics Commission on November 4, 1998.

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Camille S. Butrus  
Chair  
Alabama Ethics Commission

POLICY NAME:	<b>619.01: <i>Fair Dismissal Act Procedure</i></b>
EFFECTIVE:	03-24-05
SUPERSEDES:	619.01 issued 10-28-04; 12-08-94
SOURCE:	<i>Code of Alabama 36-26-100</i>
CROSS REFERENCE:	

## 1. Definitions

- 1.1. Institution. An institution under the control of the State Board of Education.
- 1.2. Employees. All persons employed on a full-time basis by the President of an institution. The term “employees” also includes persons employed by the President of an institution on a full-time basis who are adult bus drivers, and further includes other full-time employees whose duties require twenty (20) or more hours in each normal working week of the school term, institution holidays excepted. Substitute teachers and substitute workers are excluded from the term “employees.”
- 1.3. President. President shall mean the administrative head of an institution, regardless of the title actually held.
- 1.4. Service. Service of any notice required hereunder shall be deemed completed on the date of receipt.
- 1.5. Time. In computing any period of time prescribed under these regulations, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period computed shall be included unless it is a Saturday, Sunday, legal holiday (recognized by the institution), or institutional holiday, in which event the period shall run until the end of the next day which is not a Saturday, Sunday, legal holiday, or institutional holiday.

## 2. Probationary Period

- 2.1. All employees as defined in subsection 1.2 of these regulations shall be deemed employed on a probationary status for a period of three (3) years from the date of his or her initial employment.
- 2.2. During said probationary period, the employing authority shall cause the employee's performance to be evaluated.
- 2.3. At any time during such employee's probationary period, the employing authority may remove an employee by furnishing said employee written notification at least fifteen (15) calendar days prior to the effective date of termination.

2.4. If a probationary employee under contract is terminated within the period of a contract, the employee is entitled to be given cause and the opportunity for a hearing under these procedures adopted by the State Board of Education. Employment agreements shall be offered for either three (3), nine (9), or twelve (12) months. If fifteen (15) calendar days prior to the end of the contract period, the person is not notified in writing that his or her services will no longer be required, he/she shall be offered another employment agreement for the same length as the prior contract unless otherwise agreed to by the President and the employee.

### 3. Non-probationary Status

Upon the completion by the employee of said probationary period, said employee shall be deemed employed on a non-probationary status, and said employee's employment shall thereafter not be terminated except for failure to perform his or her duties in a satisfactory manner, incompetency, neglect of duty, insubordination, immorality, justifiable decrease in jobs in the institution, or other good and just causes; provided, however, such termination of employment shall not be made for political or personal reasons on the part of the President of the institution.

### 4. Termination of Employment

An employee on nonprobationary status may be terminated only in the following manner:

4.1. The President shall give written notice of the intent to terminate which must include:

- 4.1.1. A statement indicating the reasons for the proposed termination.
- 4.1.2. A short and plain statement of the facts showing that the termination is based on one or more of the reasons listed in 3. above.
- 4.1.3. The time and place for the pre-termination conference which must be conducted no less than twenty (20) days and no more than thirty (30) days after receipt of notice by the employee.
- 4.1.4. Statement that, if the pre-termination conference is desired, the employee must file a written request within fifteen (15) days of receipt of notice.

4.2. Notice to the employee may be served by personal service, United States Postal Service Registered or Certified mail to the employee's last known address, or by private mail carrier for overnight delivery with signature required to the employee's last known address.

4.3. During the pre-termination conference, which shall be public or private at the discretion of the employee, the employee, or the employee's representative, shall

be afforded the opportunity to speak to the President on matters relevant to the termination. The employee has the right to counsel and to have a court reporter record his or her statement, both at the expense of the employee.

5. Notice of Termination: Right to Hearing

Regardless of whether the employee elects to have a conference, within ten (10) days of the President's decision, the employee must be given written notice of the action and the right to appeal the action by filing a written notice of contest with the President within fifteen (15) days of receipt of the notice. Said notice shall be served by personal service, United States Postal Service Registered or Certified mail, or by private mail carrier for overnight delivery, signature required. If the employee does not timely file a notice of contest, the President's decision shall be final. The President may suspend an employee with pay if the action is taken. This section, however, does not mandate pay in cases involving moral turpitude. If such charges are found to be unfounded, pay would be reinstated. Termination may not be effected until the time for filing notice of contest has expired and, if notice of contest is filed, not until the hearing officer has issued an opinion.

6. Process to Contest Termination

6.1. Hearing Officer Selection. Within seven (7) days of a timely filed notice of contest, the parties may either mutually agree upon a person to hear the employee's contest or submit a joint request for a panel of arbitrators to the Federal Mediation and Conciliation Services' Office of Arbitration Services (FMCS). The joint request must specify that the "parties prefer a hearing officer who is experienced in employment law." FMCS will submit to each party an identical list of names of persons chosen to serve as a hearing officer in such matters. Each party shall have ten (10) days from the date of receipt of the list to strike any name to which it objects, number the remaining names in the order of preference, and return the list to FMCS. If a party does not return the list on a timely basis, all persons on the list are deemed acceptable. From among the persons who have been approved on both lists, and in accordance with the designated order of mutual preference, FMCS will select a hearing officer. If the parties fail to agree upon any of the persons named, if those named decline, or if for any reason the appointment cannot be made from the submitted lists, FMCS will make the appointment from among other members of the panel. Within seven (7) days of receipt of the notice of contest, the institution must forward the notice of contest information form to the State Department of Education.

6.2. Hearing Process. Upon selection, the hearing officer shall immediately give notice of the date and time of the hearing, not less than thirty (30) nor more than sixty (60) days following the hearing officer's appointment. The parties may agree to the location of the hearing or, if they cannot agree, the hearing officer will determine a place within the jurisdiction of the institution. No less than thirty (30) days before the hearing, the parties shall submit to the hearing officer, with a copy to the opposing party, documents supportive of the action (or in the

case of the employee, in contravention to), as well as a list of witnesses to be called at the hearing. The documentary submissions and witness list may be amended at any time prior to five (5) days before the hearing.

6.3. Hearing Officer Authority.

6.3.1 The hearing officer shall have the power to administer oaths and compel the attendance of witnesses and production of relevant documents or information. If requested, the hearing officer shall issue subpoenas for witnesses to testify at the hearing, under oath. The hearing officer will conduct a de novo hearing and render a decision based on the evidence and/or information submitted to the hearing officer. The hearing officer shall determine which of the following actions should be taken:

6.3.1.1 Termination of the employee.

6.3.1.2 Suspension of the employee with or without pay.

6.3.1.3 Reprimand.

6.3.1.4 Other disciplinary action.

6.3.1.5 No action against the employee.

6.3.2. The hearing officer shall render a written decision with findings of fact and conclusions of law within thirty (30) days after the hearing. Expenses of the hearing officer shall be borne by the State Department of Education.

6.4. Appeal of Hearing Officer's Decision. All appeals of a final decision of the hearing officer will rest with the Alabama Court of Civil Appeals. An appeal by either party shall be perfected by filing a written notice of appeal with the Clerk of the Court of Civil Appeals within twenty-one (21) days after the receipt of the hearing officer's final written decision. Failure to file a timely notice of appeal shall render the decision of the hearing officer final, in which case the institution shall take possession of the record of the hearing and shall maintain the record for three (3) years. The Court of Civil Appeals shall have the discretion to refuse to hear appeals of the hearing officer's final decision. Review is not a matter of right but is rather a matter of judicial discretion, and an appeal may only be granted when the Court determines there are special and important reasons for granting the appeal. Within thirty (30) days after an appeal is granted, the hearing officer will transmit the record to the Clerk with the appealing party bearing the costs associated with the preparation and transmission of the record and transcript of the hearing. The decision of the hearing officer shall be affirmed on appeal unless the Court of Civil Appeals finds the decision arbitrary and capricious, in which case the court may order another hearing.

## 7. Transfer

- 7.1. The employing President shall have the authority to transfer employees from one position at the institution to another; however, such transfer shall be based upon the good and just cause needs of the institution, and shall not be for political or personal reasons on the part of the President and shall be without loss of status of the employee.
- 7.2. Notice of Transfer: Right to Hearing. If the employing President determines that a probationary or nonprobationary employee is to be transferred, the employee shall be served notice of the action within ten (10) days of the decision by personal service, United States Postal Service Registered or Certified mail to the employee's last known address, or by private mail carrier for overnight delivery, signature required, to the employee's last known address. Notice shall be in writing and will inform the employee of the right to contest the action by filing a written notice of contest with the President within fifteen (15) days of receipt of the President's notice. The transfer will not be effected until the time for filing notice of contest has expired and, if notice of contest is filed, not until the hearing officer has approved the transfer. If the contest is not timely filed, the President's decision will be final.
- 7.3. Process to Contest Transfer. If notice of contest is timely filed, the hearing officer shall be selected as indicated in 6.1. above. Upon selection, the hearing officer will give notice of the date and time for hearing, no less than thirty (30) days and no more than sixty (60) days following the appointment of the hearing officer. The parties may agree to the location of the hearing or, if they cannot agree, the hearing officer will determine a location within the jurisdiction of the institution. No less than thirty (30) days before the hearing, the parties must submit to the hearing officer, with a copy to the opposing party, documents supportive of (or in the employee's case, in contravention to) the transfer, as well as a list of witnesses to be called at the hearing. The documentary submissions and witness list may be amended at any time prior to five (5) days before the hearing. The hearing officer shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence or information. If requested, the hearing officer shall issue subpoenas for witnesses to testify at the hearing under oath. The hearing officer shall conduct a *de novo* hearing and render a decision based upon the evidence and/or information submitted to the hearing officer. The hearing officer shall determine whether the evidence was insufficient for the President to take action, whether the action was taken for political or personal reasons, or whether such action was arbitrarily unjust. The hearing officer shall render a written decision, with findings of fact and conclusions of law, within thirty (30) days after the hearing. The decision of the hearing officer shall be final. Expenses of the hearing officer are to be borne by the State Department of Education.

8. Suspension for More Than Seven Days Without Pay (Long-Term Suspension)
  - 8.1 A nonprobationary employee may be suspended for more than seven (7) days without pay for just cause and the decision must not be made for political or personal reasons. The President must give written notice of the intent to impose a long-term suspension to the employee which must include:
    - 8.1.1 The reasons for the proposed suspension;
    - 8.1.2 A short and plain statement of the facts showing that the suspension is for just cause;
    - 8.1.3 The time and place for the pre-suspension conference which must be conducted no less than twenty (20) days and no more than thirty (30) days after receipt of notice by the employee.
    - 8.1.4 Statement that, if the pre-suspension conference is desired, the employee must file a written request within fifteen (15) days of receipt of notice.
    - 8.1.5 During the pre-suspension conference, which shall be public or private at the employee's discretion, the employee, or the employee's representative, shall be afforded the opportunity to speak to the President on matters relevant to the suspension. The employee has the right to counsel and to have a court reporter record his or her statement, both at the expense of the employee.
  - 8.2 Notice of Long-Term Suspension: Right to Hearing. Regardless of whether the employee elects to have a conference, within ten (10) days of the President's decision, the employee must be given written notice of the action and the right to appeal as provided in 5. above.
  - 8.3 Process to Contest a Long-Term Suspension
    - 8.3.1 Hearing Officer Selection. If notice of contest is timely filed (as provided in 5. above), the hearing officer shall be selected as provided in 6.1. above.
    - 8.3.2 Hearing Process. Upon selection, the hearing officer shall immediately give notice of the date of the hearing as provided in 6.2. above.
    - 8.3.3 Hearing Officer Authority. The hearing officer shall have authority and powers indicated in 6.3. above and shall determine which of the following actions should be taken:
      - 8.3.3.1 Suspension of the employee, with or without pay.
      - 8.3.3.2 Reprimand.

8.3.3.3. Other disciplinary action.

8.3.3.4. No action.

8.3.4. The hearing officer shall render a written decision with findings of fact and conclusions of law within thirty (30) days after the hearing. Expenses of the hearing officer shall be borne by the State Department of Education.

#### 8.4. Appeal of Hearing Officer's Decision

All appeals of a final decision of the hearing officer will be conducted as provided in 6.4. above.

### 9. Other Disciplinary Action

9.1. A nonprobationary employee may be suspended for seven (7) days or less without pay, or suspended for any period of time with pay, or reprimanded or censured for just cause, but shall not be made for political or personal reasons. The President must give written notice of intent to impose disciplinary action to the employee which must include:

9.1.1. The reasons for the proposed disciplinary action.

9.1.2. A short and plain statement of the facts showing that the disciplinary action is taken for just cause.

9.1.3. The time and place for the President's conference on the proposed disciplinary action which shall be held no less than twenty (20) days and no more than thirty (30) days after receipt of notice by the employee.

9.1.4. Statement that, if the pre-disciplinary conference is desired, the employee must file a written request with the President within fifteen (15) days after receipt of the notice.

9.1.5. The pre-disciplinary conference shall be conducted as provided in 8.1.5. above.

9.2. Notice of Disciplinary Action Right to Hearing. Regardless of whether or not the employee elects to have a conference, within ten (10) days of the President's decision, the employee must be given notice of the action and the right to appeal as indicated in 5. above.

#### 9.3. Process to Contest Disciplinary Action

9.31 Hearing Officer Selection

If notice is timely filed (as provided in 5. above), the hearing officer shall be selected as provided in 6.1. above.

#### 9.32 Hearing Officer Authority

Upon selection, the hearing officer will set the date for submission of written materials relevant to the action which is not less than thirty (30) nor more than sixty (60) days following the appointment of the hearing officer. Not less than thirty (30) days before the date of submission of written materials, the parties must submit information and/or other documents supportive of or in contravention to the action to the hearing officer with a copy to the opposing party. No later than the date of submission of written materials, the parties must submit written briefs on the factual and legal issues relevant to the action. The hearing officer will consider the case on the written submissions and render a written decision with findings of fact and conclusions of law within thirty (30) days after the deadline for submission of materials. The decision of the hearing officer is final. The expenses of the hearing officer are to be borne by the State Department of Education.

### 10. Direct Appeal by Employee Denied a Hearing

10.1. A nonprobationary employee who has been denied a hearing before the President and has been transferred, terminated, or suspended has the right to appeal directly to the Chief Administrative Law Judge of the Office of Administrative Hearings, Office of the Attorney General, for relief. The Administrative Law Judge will be appointed by the Chief Administrative Law Judge to address the issue raised in the appeal. The appeal must state facts sufficient to allow the judge to determine tentatively whether or not the President has complied with the *Fair Dismissal Act* statutes. The President may answer or deny in writing the facts set out in the appeal. If no denial is filed, the facts set out in the appeal will be taken as true. The judge shall review the employee's request and the President's answer or denial and determine, with or without a hearing, whether the President has complied with the statutes. Based upon the findings, the Administrative Law Judge may:

10.11 Order a hearing before the President.

10.12 Determine that the employee has been transferred, suspended, or dismissed in violation of the law and rescind the action taken by the President.

10.13 Sustain the action taken by the President.

10.14 10.2.The action of the Administrative Law Judge is final.

**INSERT**

**10 STEPS TO TERMINATION**

**FROM PREVIOUS GUIDELINES**

**HERE**