

Chapter 5 – Hiring

Changing the Terms and Conditions of a Position after Hire

Occasionally, a hiring authority will seek to change the status of a position after a hire has been made, usually by trying to change a part-time position to full time or making a temporary or interim position permanent. If the initial search process that hired the incumbent was part time or temporary, the hiring authority will need to do another search to fill the full time or permanent position.

Exceptions to Approved Salary

On a case by case basis, Human Resources | Affirmative Action will approve a 10% deviation from the salary amount or salary range approved on the Recruitment Authorization Form, depending on the candidate's experience and qualifications. Human Resources | Affirmative Action will not approve a deviation of more than 10%.

The appropriate Dean, Vice President and the Provost must also approve any deviation from the approved salary range.

Basic Verification Checks

A basic verification check confirms the factual aspects, rather than the performance aspects, of a candidate's history. They should always include the following:

Verification of Education

The hiring authority or designee should verify that the candidate earned the degrees or certificates and academic or other honors indicated on the curriculum vitae from each of the institutions indicated. A school may release "directory information," which can include name, address, dates of attendance, degrees earned, and activities, unless the student has given written notice otherwise. [Family Education Rights and Privacy Act](#)

To check whether a candidate earned the degrees claimed, the hiring authority or designee should call the Registrar of the candidate's graduate schools.

Verification of Work Experience

The hiring authority or designee should verify that the candidate worked for the employers indicated and in the positions identified. Oftentimes this is accomplished during the telephone reference check process. Many employers have a policy to confirm only an employee's dates of employment, final salary, and other limited information, but even this can be useful.

To verify a candidate's employment history, the hiring authority or designee should call or write the Human Resources, Personnel, or Employment Records office of the previous employers listed on the candidate's resume.

The person checking background information may not ask a candidate's previous employers about the candidate's disability, illness, or worker's compensation history but may ask about the candidate's work history, titles, previous responsibilities, the quantity and quality of work performed, and other job related issues not related to disability, status as a covered veteran, worker's compensation history or other protected status.

Verification of Research/Creative Activities

To check that the candidate has the publications or creative accomplishments indicated in his or her curriculum vitae, use the resources of the MSU Libraries and the Internet.

Hiring Foreign Nationals

A foreign national is a person who is not a citizen of the United States or does not have permanent residency status under U.S. law.

Federal immigration law regulates the hiring of foreign nationals by U. S. employers, requiring employers to hire only U.S. citizens, permanent resident foreign nationals and foreign nationals who are lawfully authorized to work in the United States.

Informing University Offices of an Offer to a Foreign National

Before extending an offer to a foreign national, the hiring authority should:

- If the appointment is for a graduate teaching assistant, graduate research assistant or postdoctoral researcher, contact the Office of International Programs, 994-4031. This office is authorized to handle H1-B visa certification for students and others on "practical training".
- If the position is for a nontenurable faculty member or contract professional, including a research professional, contact the Office of International Programs. International Programs will assist the foreign national in obtaining the proper H-1 visa.
- If the position is for a tenurable faculty member, contact the Office of International Programs and the Office of Human Resources | Affirmative Action. International Programs will assist the foreign national in obtaining the proper H-1 visa and the Office of Human Resources | Affirmative Action will discuss the labor certification process, if appropriate.

Labor Certification Guidelines & Procedures

A labor certification is an action taken by the University to secure the services of a foreign national employee on a permanent basis. It is not an employee right or benefit. Certain positions are allowed labor certifications and these positions require specific recruitment requirements. For more information see [Labor Certification Guidelines](#) or contact the [Office of Human Resources | Affirmative Action](#).

Obtaining Human Resources | Affirmative Action Approval to Extend an Offer

Before extending a verbal or conditional offer of employment, the hiring authority must obtain approval to make the offer from Human Resources | Affirmative Action and the Provost, through the Dean, or the appropriate Vice President.

If a protected class member was interviewed but not being offered the position, the hiring authority will be asked to write a justification documenting the specific job-related reasons why the protected class candidate was not selected.

Pre Employment Background Check

Montana State University is committed to protecting the security, safety, and health of employees, students, and others, safeguarding the assets and resources of the University, and assuring individuals in responsible positions are worthy of the trust they are given. Pre-employment Background Checks shall be required prior to employing faculty, professional

and classified employees, except as provided [in the Pre-Employment Background Check Policy](#). This policy applies regardless of whether or not a competitive recruitment process is used.

Releasing Information about Potential New Hires

It can often be difficult to determine what information about potential new hires can be released and under what circumstance. Generally, the following apply:

- The names and credentials of candidates who have completed the interview phase of the application process and with whom the hiring authority is negotiating a hire are confidential.
- The name and credentials of the new hire are public information and may be announced to the department, University, and the press.
- Although salary is a matter of public record and is made available through the agenda of the Board of Regents, the salary of the new hire may be released to the press or interested parties if specifically requested.
- The current (non-MSU) business address and contact information of a new hire may be released to the University community, the press and local businesses at the discretion of the hiring authority and/or at the request of the new hire.
- The department business address and contact information of a new hire is public information and must be released upon request.

Moving Expenses

The hiring authority may agree to pay moving expenses for the new hire. Such agreements should be described in the Letter of Hire or Memorandum of Understanding (MOU). The University may pay moving expenses directly to the provider or may reimburse the new hire for documented expenses.

Before discussing moving expenses with a prospective hire, the hiring authority should consult the MSU moving expense guidelines at <http://www.montana.edu/pps/Taxes/MovingExpenseGuidelines.pdf>.

Trailing Spouse/Partner Guidelines

MSU does not have a formal policy requiring a hiring authority to find employment for a trailing spouse or significant other and/or partner. Rather, the hiring authority is encouraged to explore all avenues of potential private and University funding to try to secure suitable employment for that individual. The hiring authority should carefully document all attempts to find such accommodation and may be asked to share this report with Human Resources | Affirmative Action.

Hiring Faculty Who Lack Terminal Degrees: ABD Appointment

If the Department and/or College is considering applicants who might potentially be “All But Dissertation” (ABD) this should be clearly identified in the vacancy announcement in the required qualification area. (Example: Required qualification: *PhD in Economics or ABD by hire date.*) You cannot consider an applicant who is ABD in the process unless the position advertises this status will be considered.

If a tenure track faculty recruitment process results in hiring a person who will not have completed the terminal degree by the time of hire, this individual shall be appointed as an Instructor in accordance with the following policy:

Individuals who lack a terminal degree cannot be appointed to a tenurable position.

A person who lacks the terminal degree but who was recruited during a search to fill a tenurable position shall be appointed on a Letter of Appointment as an Adjunct Instructor. The Letter of Appointment shall specify that appointment to the tenurable position is dependent upon the appointee's completion of the terminal degree and will be terminated if the degree is not completed by an agreed upon date.

Upon completion of the terminal degree, the appointment may convert to tenurable status. The tenure credit date shall be the date of the appointment to tenurable position, not the start date of the appointment.

The Letter of Appointment employing the ABD faculty member as "Instructor" shall further specify that:

- The employee will receive salary increases and other benefits according to the terms and conditions of the Letter of Appointment or University policies and procedures affecting adjunct employees.
- The date by which the terminal degree must be completed or the appointment will be rescinded and the position re-advertised.

Employment Contracts

Board of Regents

University Executives, a category which is limited to the University Presidents, Chancellors, Provosts, Vice Presidents, Vice Provosts, and Legal Counsel, are hired on employment contracts approved by the Board of Regents (BOR). Such contracts imply that the position is a regularly budgeted part of the University's continuing operations.

Montana University System

The Letter of Hire should specify the general terms and conditions of the appointment. The hiring authority should use the approved Letter of Hire template. Montana University System (MUS) Employment Contracts are used for regularly budgeted positions that are part of the University's continuing operations and paid from state or continuing institutional funds.

Letter of Appointment

See Chapter 1 sections:

[Research Professional Positions and Titles](#)

[Contract Professional Positions and Titles](#)

Duration of Employment Contracts

The maximum term of a MUS Employment Contract and BOR Contract is one year. At MSU, unless otherwise specified in the contract itself, the duration of an MUS Employment Contract is from July 1 of one year through June 30 of the following year.