

Purpose

The following policy provides District employees with guidance and information about those situations in which In-House or Promotional Only Hiring is permitted or prohibited by law. All requests for In-House or Promotional Only Hiring must be reviewed and authorized by the Director of Personnel and Human Resources (or designee) and the Affirmative Action Officer according to the procedure outlined in this policy.

Background

California Community Colleges are required to make measurable progress toward the goals of their diversity plans. These plans must be designed to recruit historically underrepresented minorities, including women, ethnic minorities and people with disabilities. The state regulations governing Affirmative Action and Equal Employment Opportunity are designed to help colleges achieve these goals, and therefore define full and open recruitment for employment openings as the rule, with a few very restrictive exceptions allowed. In-House or Promotional Only Hiring is one category of exception, and is the focus of this document. However, a brief overview of the whole picture may help the reader understand this exception better.

Under the State requirements, three recruitment scenarios can exist for filling employment openings:

- I. No recruitment is required if the position is not a “new opening.” The seven situations that follow define cases that are not new openings:
 - 1) Openings which occur as the result of a reorganization or series of transfers, as long as there is not a net increase in the number of employees;
 - 2) A position which is occupied by an incumbent and is upgraded, reclassified, or renamed, as long as there is no significant alteration of the job duties;
 - 3) Selecting one faculty member in a division or department to serve as chairperson for limited time period;
 - 4) A position which is filled as a temporary appointment, e.g., substitute, short-term or temporary employees (Ed Code 88003).
 - 5) Filling a position with an employee who has been laid-off, or who has elected service retirement in lieu of layoff, and has reappointment or reemployment rights pursuant to Education Code Sections 87744 to 87746, 88015, or 88127 et seq.
 - 6) Assigning overload (including teaching during summer and intersession) to existing full-time employees.
 - 7) Assigning a part-time faculty member to teach a class in a discipline in which he or she has previously taught without a substantial break in service. (Break in service as defined in Cabrillo College Administrative Regulation #AR5105C). Even though no recruitment is required in these seven situations, the College may elect to use either In-House or full recruitment in any of the seven situations.

- II. Full and open recruitment is required for all “new openings” unless the new opening is within one or more of the three exceptions that permit an In-House or Promotional Only hiring (See exceptions described in Section III, below). Cabrillo’s procedures

for full and open recruitment are defined in other documents, such as Board Policy 5100, 5105, 5500 and Board AR 5105.

The requirements for “full and open recruitment” can be satisfied by filling positions from a time-limited list or pool of persons qualified to perform a particular job, where the list was previously established through full and open recruitment involving appropriate outreach to historically underrepresented groups.

III. Restricted recruitment is permissible on an In-House or Promotional Only basis, as outlined in this document, for new openings that meet one or more of the following three qualifications:

- 1) The position is being filled on an interim basis (less than one year) to allow for full and open recruitment;
- 2) The pool of eligible District employees has achieved “proportionate representation”;
or
- 3) The In-House or Promotional Only Hiring is justified by “business necessity.”

Even though full and open recruitment is not required for openings that meet one or more of these three qualifications, the College may elect to use full recruitment in any of the three situations.

Situations in Which In-house or Promotional Only Hiring Can Be Used

The position that is open should first be reviewed in light of the seven situations defined in “Background” above to determine if the position qualifies as a “new opening.” If it is not a “new opening” the District may elect not to recruit, may elect to follow In-House or Promotional Only recruitment, or may elect to do a full recruitment.

If the position that is open is determined to be a “new opening,” the District can pursue an In-House or Promotional Only hiring only if one or more of the following is true:

- 1) The position is being filled on an interim basis (less than one year) to allow for full and open recruitment;
- 2) The pool of eligible District employees has achieved “proportionate representation.” Proportionate representation exists when the percentage of persons from the minority group in the applicable workforce is at least equal to the percentage of members of that group who are determined to be available and qualified to perform the work in question;
or
- 3) The In-House or Promotional Only Hiring is justified by “business necessity.” Business necessity requires a showing that the full recruitment will result in substantial additional financial cost or will pose a significant threat to human life or safety. There are few circumstances in which this will occur. “Business necessity” questions will be analyzed by the Chancellor’s Office, the District Faculty and Staff Diversity Advisory Committee, the Director of Human Resources and the Affirmative Action Officer.

If the position is a “new opening” and none of these three situations exist, the District must use full and open recruitment to fill the position (or use a qualified list as defined in “Background” above).

Eligible Applicants for In-house or Promotional Only Hires

In-House or Promotional Only Hiring means that only existing District employees are allowed to apply for a position. For classified bargaining unit positions that are opened to In-House or Promotional Only Hiring, only existing District contract or regular classified employees are eligible to apply.

When the College uses In-House or Promotional Only Hiring to fill a position, all eligible and qualified District employees must be afforded an opportunity to apply.

Procedures for In-house or Promotional Only Hiring

All requests to hire on an In-House or Promotional Only basis must be submitted to the Department of Personnel and Human Resources before any recruitment begins, any job offers are made, or any person begins work.

Upon receiving a request from the unit administrator, the Director of Personnel and Human Resources (or designee) and the Affirmative Action Officer will review the request for compliance with applicable laws, regulations, contracts and policies and may authorize the request to proceed with an In-House or Promotional Only Hiring, or may determine that full recruitment is needed.

If an In-House or Promotional Only Hiring is authorized, a search committee will be recommended pursuant to Cabrillo Community College procedural guidelines for recruitment and selection of classified staff. The College will disseminate the employment announcement internally to all qualified District employees and according to the requirements of collective bargaining agreements.

The employment announcement will list all of the relevant minimum qualifications, testing requirements, and the closing deadline for submitting applications.

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