I. Policy

The Office of the Commissioner of Higher Education recruits and retains capable employees to provide efficient and effective service to the students, campuses and residents of Montana. This policy provides guidance for typical hiring situations. Atypical situations that are not foreseen or envisioned in the following policy provisions may be managed on a case-by-case basis subject to documented approval by the Human Resources Office and Legal Counsel in compliance with state and federal employment laws.

A recruitment is required to fill any vacant or newly created position in which the employee will be eligible to achieve “permanent status” as defined in 2-18-101(20) Montana Code Annotated (i.e., a classified staff position that is not designated as a temporary fixed-term position). The Human Resources Office may authorize an internal recruitment (noticed in a communication to all OCHE employees) or an external recruitment (noticed in a public job advertisement).

A recruitment may be required to fill a vacant or newly created position in which the employee is employed on a term contract authorized under Board of Regents Policy 711.1 and 711.2. The Commissioner may appoint campus or OCHE term-contract employees into vacant or newly created term-contract positions in OCHE without a recruitment. The Commissioner also may assign new duties and responsibilities to current term-contract employees provided the requirements of Board of Regents Policy 711.1 and 711.2 are met. If the Commissioner opts to conduct a recruitment to fill a term-contract position, the recruitment may be internal or external at the Commissioner’s discretion.

The position of the Commissioner is not covered by this policy.

A. Recruitment for Vacancies or Newly Created Positions

Deputy Commissioners should notify the Commissioner of a vacancy or intended creation of a new position within their organizational divisions before conducting a recruitment. The “hiring authority” referenced below is typically a Deputy Commissioner or a designee at the Director level within the organizational division where the vacancy exists. The hiring authority should work with the Director of Human Resources and Labor Relations to create or update a description of the position’s essential duties, responsibilities and qualifications. The hiring authority and Human Resources will determine whether to conduct an internal or external recruitment.

1. Internal Recruitments

Notice of the job opportunity should be emailed to OCHE employees at least seven calendar days before the deadline for submission of applications. Temporary employees who were not hired through an external recruitment procedure are not eligible for consideration in an internal search. An external recruitment may be conducted after an internal recruitment at the discretion of the hiring authority and Human Resources Office.

2. External Recruitments
Notice of the job opportunity shall be posted on at least one public job advertisement site for at least 12 calendar days before the deadline for submission of applications. Examples of a public job advertisement site are the OCHE website employment page, the state of Montana jobs website, a Montana newspaper classified advertisement page or the Chronicle of Higher Education jobs page.

3. Recently Conducted Recruitments

If a position becomes vacant within nine months after being filled through an external search, OCHE may select an applicant from the previous candidate pool to fill the position with approval by the Human Resources Office.

4. Temporary Appointments

A recruitment is not necessary to appoint a person who is not employed by the Montana University System into a temporary OCHE position, although the hiring authority may choose to recruit for a temporary appointment at management’s discretion. Temporary appointments into a classified staff position for which no external recruitment was conducted may not exceed 12 months for classified positions. Temporary employees may be terminated at any time without a showing of cause, are not eligible to attain permanent status and may not be considered for vacant positions unless an external recruitment is conducted.

5. Short-Term Workers

A recruitment is not necessary to hire a short-term worker. Short-term workers may be hired for an hourly wage determined by the hiring authority and Human Resources Office and may not work for more than 90 days in a continuous 12-month period. Short-term workers may be terminated at any time without a showing of cause, are not eligible to attain permanent status, may not be considered for vacant permanent positions unless an external recruitment is conducted and do not earn leave and holiday benefits.

B. Selection of Employees

1. Nondiscrimination

OCHE shall hire and direct employees without regard for race, color, religion, creed, political ideas, sex, gender identity, sexual orientation, age, marital status, physical or mental disability, national origin, or ancestry unless based on reasonable grounds (OCHE Policy 402 and Board of Regents Policy 703).

2. American Indian and Veterans Preference

For OCHE positions that are located on an American Indian reservation, a hiring preference shall be given to an American Indian residing on the reservation who has substantially equal qualifications for the position in accordance with 2-18-111 Montana Code Annotated.
If a scored procedure is used during screening or hiring for any OCHE position in any location, a point preference must be given to eligible veterans, eligible disabled veterans or eligible relatives in accordance with 39-29-102 Montana Code Annotated.

If a scored procedure is not used, preference shall be given to a disabled veteran, eligible relative, or veteran (in that order) over any other applicant having substantially equal qualifications. "Substantially equal qualifications" means the qualifications of two or more persons among whom the public employer cannot make a reasonable determination that the qualifications held by one person are significantly better suited for the position than the qualifications held by the other persons as set forth in 39-29-102(4) MCA.

3. Procedure

The hiring authority and Human Resources Office should appoint a committee of at least two OCHE employees to review applications and select the best qualified candidate(s) for an interview. The committee will consult the Director of Human Resources and Labor Relations in this review. Reference checks may be conducted after consultation with the Human Resources Office. No person will be hired without the approval of the Commissioner or the Human Resources Office.

II. Information and Records

A. Information

Typically, a vacancy notice shall include, but not necessarily be limited to, the following information:

1. Position title and location.
2. Description of essential duties, responsibilities and qualifications.
3. Specialized requirements such as licenses, extraordinary travel, etc.
4. Intended wage or salary range.
5. Closing date, application procedures and location to send applications.
6. The following language: "Reasonable Accommodations: Under state and federal law qualified applicants with disabilities are entitled to reasonable accommodations. Modifications or adjustments may be provided to assist applicants to compete in the recruitment and selection process. An applicant must request an accommodation when needed. If you need any such accommodation, contact the Office of Commissioner of Higher Education (OCHE) at 406-444-6570. TDD users may use the relay service by dialing 711."
7. The language: "This position is eligible for veterans preference in accordance with state statute."
8. If the primary location of the position is on an American Indian reservation, or if more than half of the employee’s work time is to take place on a reservation, the following language should be included: "Applicants claiming the American Indian Employment Preference must provide verification of eligibility with the application materials.”

B. Records

The following materials shall be included in the documentation for each selection.
1. A copy of the vacancy announcement.
2. A notation of where the position was advertised (e.g., internal recruitment noticed to OCHE employees; external recruitment noticed on the OCHE employment web page or state of Montana jobs website; etc.).
3. Complete applicant materials as submitted.
4. A copy of any rating forms, screening criteria, or other selection procedures used.
5. The names of committee members participating in the screening and interviewing.
6. Correspondence with applicants.

The required documentation must be retained for a period of three years. Committees shall provide documentation to the Director of Human Resources and Labor within two weeks of completion of the process.