

## Waivers of Search Policy

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Although it is SUNY Cortland's practice generally to conduct a full and open search prior to filling a vacancy, if special circumstances warrant, either a temporary or permanent waiver of the search requirements may be requested. No appointments may be made without prior approval of the waiver.

### *Temporary Waiver of Search (up to 12 months)*

Temporary waivers are granted under such special circumstances as illness, death, or late resignations, i.e., conditions that preclude the possibility of a full and timely search. Late resignations are those which come at a time that prevents the department from advertising, receiving applications and making a decision in a timely manner that will not unduly interfere with departmental operations. The expectation is that temporary waivers are to ensure continuity of services and should be for as limited time as possible.

Requests for temporary waivers of search are made by a hiring manager to the affirmative action officer using the on-line applicant tracking system detailing the specifics of the request, including but not limited to the following:

- the reason for the waiver and why a full search cannot be conducted,
- the duration of the waiver (no longer than 12 months),
- the proposed incumbent or how an incumbent will be identified/selected,
- how the incumbent is qualified for the position, and
- when a full search shall commence.

The affirmative action officer shall review the specifics of the request and make a determination of approval or disapproval. Temporary waivers that are approved must commence a full search no later than six (6) months following appointment of the waiver incumbent. This shall ensure that temporary waivers do not exceed their intended 12 months maximum appointment.

Appeals of waiver of search denials may be submitted to the assistant vice president for human resources, with a copy to the affirmative action officer within ten business days of the date of denial notification. Upon receipt of the appeal, the assistant vice president for human resources (after consultation with appropriate VP and/or Cabinet) shall provide the hiring manager of the final determination within 7 business days. There are no further appeals available in this process.

At no time shall an individual commence working under the auspices of a waiver of search until such time that the waiver has been approved as prescribed above.

### *Permanent Waiver of Search*

Under certain circumstances, a hiring manager may request a permanent waiver of search to fill a vacant position or to re-align operations to best serve the strategic direction of the College. Employees being considered for a waiver under this section must have been hired originally to the College under a full affirmative action search. In all cases, consideration shall be given to the placement goals for said position as identified in the affirmative action plan. The circumstances that a permanent waiver may be requested are as follows:

1. **Succession Planning/Upward mobility:** In the interest of internal promotion, career advancement, and professional and personal development programs, upward mobility of a person who clearly serves as a second in charge, as demonstrated by their performance program, training, skills, and demonstrated ability, might warrant a waiver of the search requirement in order to promote an internal candidate to a director level position. A consideration for this waiver will be the identification of a position that will be filled through a full affirmative action search so that an opportunity to further diversify our workforce can be provided.
2. **Re-organization/Staff Re-alignment:** Fiscal crisis, personnel reduction, or major change in institutional priorities could dictate the need for realignment of fundamental roles and functions in order to meet basic responsibilities. Such realignment of existing staff when no additional vacancies are created does not require a formal search.

When such special circumstances prevail, a request for a permanent waiver of the search stating the background and reasons should be submitted by the senior leader of the affected department/office to the affirmative action officer. The affirmative action officer shall review the request and make a recommendation to the President's Cabinet. President's Cabinet shall make the final determination regarding the request. Upon approval of a succession planning/upward mobility request, a posting shall be prepared in the College's applicant tracking system to finalize the appointment. Upon approval of a Re-organization/Staff Re-Alignment request, a copy of the approved request shall be provided to human resources for processing.

*Approved by President Erik Bitterbaum, October 30, 2017  
Distributed President's Council, Nov. 17, 2017*

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