



**Policy Title:** Waiver of Recruitment Policy

**Effective Date:** March 24, 2022

**Responsible Functional Area:** Human Resources

**Index/Code No:** HMR

I. **Purpose:**

To provide guidance for exceptions to posting and advertising vacant positions under special circumstances.

II. **Applicability:**

Applies to all faculty and staff positions.

III. **Policy:**

NJIT, in accordance with federal and state law, is committed to providing equal opportunity in employment through nondiscriminatory, open recruitment and hiring practices. Generally, all vacant faculty and staff positions must be posted and advertised, for a minimum of 5 business days. However, this process may be waived, where the candidate satisfies the minimum qualifications of the position, in certain circumstances.

The following is a list of situations wherein the waiver may be requested:

- **Position is grant-funded, temporary and has a budget end date** and the incumbent is a graduate of NJIT originally hired through student employment. This waiver is to complete a specific project;
- When there is **instructional necessity** due to an unexpected absence and/or departure of a full time faculty member that creates a vacancy immediately proceeding the commencement of a semester ;
- **A researcher who brings grant funding to NJIT** and 1. as a condition of accepting the offer, has negotiated to bring select staff to NJIT as part of the research endeavor; or 2. staff are explicitly named in a grant;
- A department has recently **conducted a full search** that yielded a strong applicant pool and there is either a second opening in the same job title and job description within a 180 day period, or a new employee separates shortly after commencing work. This would allow the department to make a selection from the original applicant pool;

- Appointment of an employee from an **interim position** or in which they are currently serving to the permanent position; and
- The candidate is a **temporary employee** who has been with the university for a minimum of 6 months, and serving in the same position (on a temporary basis) and has demonstrated satisfactory work performance, and a permanent position in the same department becomes available.

This policy does not include position changes that are exempt from posting or have specific posting requirements set forth per collective bargaining agreement or Police Standard Operating Procedures.

#### IV. **Process:**

In order to request a “Waiver of Recruitment”, the hiring manager should take the following steps:

1. Consult with the [Talent Acquisition](#) team within the Department of Human Resources to (1) determine whether the request falls within the policy specifications (2) is in the best interest of the university and (3) complies with the collective bargaining agreements and the Faculty Handbook
2. After initial conversation, the hiring manager should submit a “Waiver of Recruitment Request Form” to the Director of Talent Acquisition. The job description and resume of the candidate that is in consideration should be included. This information will also be shared with the compensation team to ensure valid job description development, application of the most appropriate position classification and equitable compensation.

Please note, all requests must adhere to the [Conflict of Interest Guidelines](#).

#### V. **Cross Reference/Links**

[Anti-Discrimination and Anti-Discrimination Harassment Policy](#)


**Review:**


  
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Dale McLeod Date  
Vice President for Human Resources

  
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Holly C. Stern, Esq. Date  
General Counsel  
Vice President for Legal Affairs


**APPROVAL AND SIGNATURES:**

  
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Joel S. Bloom Date  
President

  
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Fadi P. Deek Date  
Provost and Senior Executive Vice  
President

  
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Catherine Brennan 3/24/22 Date  
Senior Vice President for Finance &  
Chief Financial Officer

  
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Andrew P. Christ 3-24-22 Date  
Senior Vice President for Real Estate &  
Development and Capital Operations

  
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Marybeth Boger 3/24/22 Date  
Vice President & Dean of Student Affairs

  
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Kenneth Alexo 3/24/22 Date  
Vice President for Development &  
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President, Foundation at NJIT

  
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Simon Nynens 3/24/22 Date  
Vice President Chief Commercial Officer  
CEO New Jersey Innovation Institute