

Florida SouthWestern State College

EMPLOYMENT SCREENING GUIDELINES

REVISED 5/20/21

Florida SouthWestern State College is an equal opportunity employer dedicated to excellence through diversity and inclusion and does not discriminate on the basis of race, sex, gender identity, age, color, religion, national origin, ethnicity, disability, pregnancy, sexual orientation, marital status, genetic information or veteran's status. Questions pertaining to educational equity, equal access or equal opportunity should be addressed to the College's Title IX Coordinator/Equity Officer.

The FSW community is composed of faculty, staff and students from a wide range of cultural backgrounds and it embraces a diversity of programs, ideas and people.

FSW EMPLOYMENT SCREENING GUIDELINES

Among the most important decisions made within Florida SouthWestern State College are employment decisions. The College is a “people-intensive” organization. Based on recent estimates, 77% of the institution’s annual budget is absorbed by personnel costs. Our people are our greatest resource.

One challenge is to select the best possible personnel for Florida SouthWestern State College and comply with standards of fairness, objectivity and equal opportunity. The College has adopted policies and procedures which address the pertinent requirements of federal and state laws, and State Board of Education rules and regulations. Compliance with policy and procedures is essential in ensuring fairness in the hiring process. The employment of faculty and staff at FSW is governed by the Florida SouthWestern State College Board Policy # 6Hx6:5.02.

Our goals include:

- Attract and hire qualified employees.
- Attract and hire a diverse workforce.
- Accomplish recruitment on a timely basis.
- Accomplish recruitment that is cost effective.

CANDIDATE EXPERIENCE GUIDANCE

The candidate experience is crucial in attracting job seekers who are influenced by how they are treated during the hiring process. Creating a positive candidate experience at every touchpoint throughout the employment process greatly increases the chances of FSW hiring and retaining the best talent. This is the guiding principle in FSW’s talent acquisition strategy.

THE SCREENING COMMITTEE

FSW strives to follow a process in filling all vacancies including grant funded positions. Each screening committee member is advised of, and is responsible for, following the proper procedures within this process.

Depending on the needs of the College when a position becomes available, recruitment may take place both internally and/or externally. The size and expectation of an adequate candidate pool will determine the scope and nature of advertising for a position. Positions may be advertised in a variety of local, state, and national publications deemed appropriate for the position. Candidates may be required to take proficiency/skills tests as deemed appropriate for the position and should be reviewed by Talent Acquisition prior to testing. Internal candidates for position vacancies will be required to complete and submit a candidate profile and e-Application.

When written communication is an essential function of the position, as part of the interview process, applicants may be required to provide writing samples on job related subjects. When appropriate,

applicants may be given job related assessments. Talent Acquisition must approve all proposed tests and questions for writing samples prior to administering. All applicants are given the same topics and assessments. For faculty positions, candidates will be required to conduct a microteaching demonstration and will be given the same amount of preparation time prior to a scheduled interview.

Screening committees serve a vital role in ensuring the College is recruiting, not only the most qualified candidate but also that we are optimizing our diversity initiatives and mindful of goals as outlined in our annual Equity Report submitted to the Florida Department of Education. As such, it is important that our screening committees reflect the diversity goals we seek to achieve. Screening committees should strive to have a diverse membership and have an odd number of participants on the committee.

Faculty screening committees:

- The screening committee will, when possible, include at least three (3) faculty members with the majority being on continuing contract from the specific discipline of the position.
- If sufficient numbers of faculty are not available from the appropriate discipline and school, faculty members from another closely-related discipline shall be included, as needed.
- Temporary full-time faculty, whether grant funded or not, shall not serve on a screening committee

All other (non-faculty) screening committees:

- Typically consists of three (3) – five (5) committee members, which includes the committee chair
- Screening committees should have at least one person who does not work in the department but works closely with the department on the committee in order to gain an outside perspective.

The make-up of screening committees should be reviewed with Talent Acquisition before interviews are scheduled. Talent Acquisition reserves the right to observe screening committee works and interviews to ensure proper procedures are being followed and may advise screening committees on approved proper procedures and protocols.

Interview questions, both telephone and face-to-face, should be reviewed by the Talent Acquisition representative handling the recruitment before interviews begin.

The Role of the Committee Chair:

The screening committee chair will meet with the committee to outline expectations and give the members a “vision” of the position the college is attempting to fill, including the skills, talents and experience desired of the successful candidate. In certain cases, the department or division leadership may provide the “charge” to the committee in regard to specific needs of the position and/or the impact of that position on the overall operation of a functional area of the College.

The screening committee chair sets the tone and pace of the committee’s work, serves as the spokesperson for the committee on campus and with candidates, and delivers the recommendations to the appropriate department or division leadership. The chairperson should possess: good communication and conflict resolutions skills; the ability to motivate and keep a group on track; and the ability to act as the institutional advocate. The chair leads committee meetings and interviews and also ensures effective, open

communication among committee members. The chair ensures the search is conducted in a timely manner and consults with Talent Acquisition when questions or concerns arise. It is the responsibility of the chair to collect all written documentation/notes related to the interview process from all committee members and submits to Talent Acquisition.

When the Hiring Supervisor assumes the role of the screening committee chair, the Hiring Supervisor makes the final decision for hire after discussing the top candidates with their immediate supervisor.

The Role of the Committee Members:

Screening committee members play an important role in interviewing and giving their opinion to supervisors and/or administrators for final selection. They attend all meetings and interviews, ensure fair and equal treatment for every candidate, and recommend candidates for interview who best meet the needs of the position and the College.

The Screening Committee does not make the decision to hire or recommend to hire, the goal of the committee is to give an opinion on the candidates. The Hiring Supervisor/Screening Committee Chair makes the decision on the top 3 candidates to be forwarded for further consideration.

For faculty positions, the committee submits three unranked names of candidates, in alphabetical order along with strengths and weaknesses of each candidate to the Dean for final consideration and approval.

Employees engaging in the screening process should follow some basic guidelines to include the following:

- Consider all candidates who meet the minimum qualification as stated in the job description
- Only ask questions that are job related during phone screens and/or interviews
- Develop pre-employment test and/or demonstrations that are job related and measure the applicant's ability to perform the essential functions of the job
- Seek Human Resources' assistance in making reasonable accommodations upon request
- Be consistent with established procedures throughout the process

IMPORTANT NOTE: It is critical to note that the integrity of the screening process depends upon the confidentiality of the search committee members. Employees who agree to serve on search committees must be committed to share their concerns **only** with other members of the committee, the Office of Human Resources or the Hiring Supervisor. Committee members must refrain from discussing candidates' information and/or the screening process with anyone outside of the process, including candidates who apply for the position. Candidate inquiries during the process should be directed to Talent Acquisition.

CANDIDATE POOLS

Candidate pools are the compilation of online applicant tracking system profiles that may contain cover letters, résumés and other documents for specific position vacancies. As prospective candidates apply for a position, they may be prompted by the applicant tracking system to answer specific qualifying questions regarding the position. These questions are created by the Talent Acquisition representative in collaboration with the Search Committee Chair in accordance with the minimum qualifications of the position as outlined in the job description.

Prior to the closing date, Talent Acquisition may conduct a review of the applications to ascertain whether there are enough qualified applicants to proceed with the process. If it is determined that there is an insufficient pool of qualified applicants, the close date may be extended.

Prescreening of Candidates

Candidate pools may be prescreened by the Hiring Supervisor. The Hiring Supervisor may request that the prescreening be conducted by Talent Acquisition prior to resumes being sent for review to the screening committee. The candidate pools are prescreened to ensure candidates meet the minimum qualifications and skills stated in the position description. After prescreening, the candidate pool is released to the screening committee. Candidates who do not meet the minimum qualifications of the position will be disqualified and will not be forwarded to the committee. Talent Acquisition will also screen candidates for Veterans Preference eligibility and Employment Visa Sponsorship status prior to referring resumes to the committee. At all times during the hiring process the Hiring Supervisor has access to the full pool of candidates and may choose to bring a qualified candidate forward.

Strict adherence to the “Selection of New Faculty” guidelines defined in the Collective Negotiations Agreement will be followed for all recruitments.

TO FILL A VACANCY, THE FOLLOWING PROCEDURES SHALL APPLY

- FACULTY SCREENING PROCESS -

The College recognizes the importance of conferring with faculty in the hiring of new fulltime continuing contract faculty members and seeks broad involvement in hiring for new positions.

Prior to external recruitment, full-time (non-temporary) faculty will be provided notice through the College's email system that there is a new full time faculty vacancy. Full-time (non-temporary) faculty members may submit a request, in writing, to the Talent Acquisition staff within five (5) working days of the email, if there is an interest in being considered for transfer and the faculty member meets the posted job requirements for the position. The Talent Acquisition staff will forward the request to the Academic Dean/Supervising Administrator who will make the decision. The request for transfer should include the following:

- A written request outlining the reason(s) for the transfer request and the projected benefits to students should the transfer request be granted.
- The Academic Dean/Supervising Administrator shall meet with the faculty member seeking transfer to determine the feasibility and reasonableness of the transfer request.
- The Academic Dean/Supervising Administrator will notify the faculty of the outcome of their request.
- In the event that two or more candidates request transfer, if all things are equal amongst the candidates, the position will be offered to the faculty member with the most seniority.

At the conclusion of the five (5) day vacancy notice period, if no full time (non-temporary) faculty requests transfer or qualifies for the position, the external recruitment process begins using the following process:

Talent Acquisition completes a Recruitment Plan checklist (see Appendix A) with the Hiring Supervisor or designated committee chair and initiates a requisition. Screening committee members should be identified when completing the Recruitment Plan checklist so Applicant Tracking System training needs can be determined and conducted, as needed.

1. The Hiring Supervisor recommends a diverse screening committee and committee chair to Talent Acquisition. The Hiring Supervisor may assume the role of committee chair. In the event that the hiring supervisors does not chair or serve on the committee, the hiring manager will attend the first meeting of the search committee to give the committee it's charge regarding the type of candidate desired and scope of duties. Generally, Talent Acquisition will discuss the recommended screening committee members with the appropriate Academic Dean and/or Provost for concurrence. The Academic Dean and/or Provost reserves the right to accept the recommendation, modify it, or appoint a completely different committee and/or chair.
2. The chair calls an initial meeting of the committee members. During this initial meeting, the chair issues a charge to the committee, provides guidance, and answers questions. The Human Resources Manager, Talent Acquisition or designee may conduct a short training session and answer any questions the committee members may have about the process. When arranging the initial meeting, the chair should ask for members to bring their calendars for planning purposes to avoid scheduling delays.

3. The Screening committee develops the following items and ensures all candidates meet the minimum qualifications established FSW State College and the Southern Association of Colleges and Schools Commission on Colleges:
 - Timetable for screening and interviewing
 - Screening tool
 - Interview questions
 - Parameters for teaching presentations (faculty recruitment only)
4. Talent Acquisition will complete the initial screening of applications for Employment Visa Sponsorship status then refer all eligible resumes to the selection committee for review
5. The Screening committee reviews the candidate's written application, cover letter, unofficial transcripts, and other submitted materials, and suggests a list of candidates to be interviewed to the Committee Chair/Hiring Supervisor.
6. The Committee Chair/Hiring Supervisor will make the decision on the candidates to be interviewed. The screening committee chair is responsible for the scheduling of interviews and submits the list of candidates for interview, dates and times of interviews to Talent Acquisition at which time eApplications are sent to candidates scheduled for interview.
7. The Screening committee conducts the interviews. The required presentations shall demonstrate the candidate's oral communication proficiency.
8. After the interviews have been conducted, the screening committee will recommend 2 – 3 candidates to the Academic Dean to review and/or interview. Consideration should be given to identifying alternates, in case one or more of the top three withdraws from the search.
9. The Academic Dean and/or Provost will make the final decision on which candidate will be chosen for the position.
10. The chair obtains three (3) satisfactory references and provides to Talent Acquisition **prior to job offer.**

When the job offer approval is complete, the Talent Acquisition Office will notify the Hiring Supervisor to proceed with making an offer to the selected candidate. When the candidate accepts, the Talent Acquisition Office will notify all candidates who were not chosen. All recommendations for employment are approved by the Board of Trustees.

Note: Adjunct faculty and full time temp faculty are not covered by the Collective Negotiations Agreement. Therefore, the Deans and/or Department Chairs hire adjuncts directly and notify Talent Acquisition of adjuncts selected for hire. The Deans notify Talent Acquisition if there is a need to hire full time temporary faculty for a defined period of time.

**TO FILL A VACANCY, THE FOLLOWING PROCEDURES SHALL APPLY TO
ALL OTHER POSITIONS (all non-faculty positions)**

When Talent Acquisition staff is made aware of a vacancy, they will contact the Hiring Supervisor to ensure the job description is still current. Generally, job descriptions older than one (1) year should be reviewed for accuracy. If the job description needs amending, the Hiring Supervisor is referred to the Human Resources Manager – Classification and Compensation for updating, as needed. Talent Acquisition completes a Recruitment Plan checklist (see Appendix A) with the Hiring Supervisor or designated committee chair and initiates a requisition. Screening committee members should be identified when completing the Recruitment Plan checklist so Applicant Tracking System training needs can be determined and conducted, as needed.

1. The Hiring Supervisor recommends a diverse screening committee and committee chair to Talent Acquisition. The Hiring Supervisor may assume the role of committee chair. In the event that the hiring supervisors does not chair or serve on the committee, the hiring manager will attend the first meeting of the search committee to give the committee it's charge regarding the type of candidate desired and scope of duties. Generally, Talent Acquisition will discuss the recommended screening committee members with the Hiring Supervisor if the supervisor is not chairing the screening committee.
2. The chair calls an initial meeting of the committee members. During this initial meeting, the chair issues a charge to the committee, provides guidance, and answers questions. The Human Resources Manager, Talent Acquisition or designee may conduct a short training session and answer any questions the committee members may have about the process. When arranging the initial meeting, the chair should ask for members to bring their calendars for planning purposes to avoid scheduling delays.
3. The Screening committee develops the following items and ensures all candidates meet the minimum qualifications established FSW State College and the Southern Association of Colleges and Schools Commission on Colleges:
 - Timetable for screening and interviewing
 - Screening tool, as needed
 - Interview questions
4. Talent Acquisition will complete the initial screening of applications for Employment Visa Sponsorship status and Veterans Preference eligibility then refer all eligible resumes to the selection committee for review. The Hiring Supervisor may request all resumes be screened by Talent Acquisition for minimum qualifications when completing the Recruitment Plan checklist and if so, only resumes meeting minimum qualifications will be sent to the committee.
5. The Screening committee reviews the candidate's written application, cover letter, unofficial transcripts, profile evaluation questions, and any other submitted materials, and suggests a list of candidates to be interviewed to the Committee Chair/Hiring Supervisor.
6. The screening committee chair is responsible for the scheduling of interviews and submits the list of candidates for interview, dates and times of interviews to Talent Acquisition at which time eApplications are sent to candidates scheduled for interview. Interviews should not be conducted without reviewing a completed eApplication.
7. The Screening committee conducts the interviews. Committee members must be present for all interviews.

WHEN THE COMMITTEE CHAIR IS THE HIRING SUPERVISOR - At the conclusion of all interviews the Hiring Supervisor will make their decision and discuss their hiring choice with their immediate supervisor.

WHEN THE COMMITTEE CHAIR IS NOT THE HIRING SUPERVISOR - At the conclusion of all interviews the Committee Chair will make their recommendation of the top three finalists, and any alternates to the Hiring Supervisor. The Hiring Supervisor will make their decision and discuss their hiring choice with their immediate supervisor. The next level supervisor or the President/Vice President may choose to interview any candidates.

8. The Hiring Supervisor will make the final decision on which candidate will be chosen for the position and reviews the candidate chosen with their immediate supervisor.
9. The Hiring Supervisor/chair obtains three (3) satisfactory references and provides to Talent Acquisition prior to job offer.

When the job offer approval is complete, the Talent Acquisition Office will notify the Hiring Supervisor to proceed with making an offer to the selected candidate. When the candidate accepts, the Talent Acquisition Office will notify all candidates who were not chosen. All recommendations for employment are approved by the Board of Trustees.

METHODS OF RECRUITMENT

As the talent needs of the College grow and become more complex, targeted methods of recruitment are periodically reviewed to meet the hiring needs of managers. The College will employ the following methods for recruiting talent (as appropriate:

Committee Screening – a committee chair and an appointed screening committee select, interview and suggest qualified candidates for final interview by Hiring Supervisor. Hiring Supervisors will review their decision on the final candidate for hire with their supervisor prior to notifying Talent Acquisition of their decision.

Committee meetings and interviews are subject to the open records and meeting laws, also known as the “sunshine laws” but do not need to be announced publicly and in advance of the meeting.

Supervisor/Screening & Hiring – a Hiring Supervisor may consider all qualified candidates who respond to a posted position by selecting qualified candidates for interview, conducting face-to-face interviews and make the hiring decision without using a screening committee for all non-exempt (hourly) and temporary positions. This method of recruitment does not require submission of a public notice. However, should the hiring manager decide to use a screening committee, all meetings and interviews will require a public notice submission at least 48 hours prior to meeting. Hiring Supervisors will review their decision on the final candidate for hire with their supervisor prior to notifying Talent Acquisition of their decision.

Contract / Interim Hire – in situations where coverage is needed temporarily to replace a regular employee or resources are needed to complete a project, a contract or interim hire may be considered. Assignments

of this nature are typically short term in nature and have an end date. Prior VP/Provost approval is required.

Waiver of Recruitment or Waiver of Minimum Qualifications– In rare instances, a Hiring Supervisor may request waiving recruitment and hiring a qualified candidate without posting a vacancy and interviewing with a committee. In other instances, a Hiring Supervisors may request waiving minimum qualifications for a position/applicant if it is in the best interest of the College.

Requests for waivers of recruitment or waivers of minimum qualifications must be made in writing to Talent Acquisition and include the justification for hiring the candidate. The justification should also include a statement describing why this waiver would benefit the College. All requests for waiver of recruitment/minimum qualifications are sent to the appropriate Vice President/Administrator for review. The Vice President/Administrator consults with the Chief HR Officer as part of the process. If the waiver is approved, the administrator will notify Talent Acquisition in writing, generally an email.

INTERVIEWS

The objective of the interview process is to find the best person who best fits the job. After all of the interviews are complete, each screening committee member should review all of the final candidates and provide their professional opinion to the Hiring Supervisor/committee chair regarding his/her opinion of the strengths and weaknesses of each candidate.

After interviews have been conducted for any positions and the final candidate selected, all interview materials should be sent to Talent Acquisition for the appropriate record retention time frame.

Interviewing Do's and Don'ts:

DO	DON'T
Prepare for the interview by carefully examining the job description and the candidate's resume and/or e-Application.	Make your initial review of the candidate's application/resume when she/he is sitting in front of you.
Familiarize yourself with EEO, non-discriminatory selection practices. Resist personal biases and reject assumptions.	Ask questions that do not relate to the candidate's ability to do the job.
Follow a written, structured interview and question format.	Shoot from the hip, thinking up questions as you speak with each candidate.
Think of the candidate as an FSW State College guest; make him/her feel welcome and respected; treat him/her with courtesy and dignity.	Forget to shake hands; or overlook introducing yourself and/or committee members and their position at FSW.
Inform the candidate that you always take notes which help remind you of the conversation.	Just start writing without forewarning the candidate.
Ask open-ended questions.	Accept incomplete or vague answers.
Let the candidate do most of the talking. Listen attentively. Allow pause/silence.	Monopolize the conversation; get distracted while the candidate is speaking; rush.
Encourage candidate to ask questions about the job and/or the organization.	Forget the candidate is also studying you.

REFERENCE CHECKS (See Appendix B)

Reference checks are a valuable part of the hiring process. Obtaining this information can help validate a committee's final recommendations. This step can be conducted at different points within the selection process; however, it must be consistent with all candidates.

Three (3) satisfactory references must be obtained on a candidate prior to requesting a job offer approval for all full time vacancies being filled. If a candidate filling a full time vacancy is a rehire and has three (3) references already on file from their previous employment with FSW, only one (1) reference from their most recent employer is required prior to a job offer approval for rehire.

References are not completed for short-term employment hiring such as student assistants, adjuncts and clinical associates.

Note: Based on the needs of the College, the President reserves the right to reassign personnel through reorganization, rightsizing, eliminating or transferring departments and therefore bypassing the aforementioned screening committee process. Furthermore, the President reserves the right to engage an external search consulting firm to conduct the screening of candidates.

EQUAL ACCESS/EQUAL EMPLOYMENT OPPORTUNITY AND LEGAL COMPLIANCE

Florida SouthWestern State College is an equal opportunity employer dedicated to excellence through diversity and inclusion and does not discriminate on the basis of race, sex, gender identity, age, color, religion, national origin, ethnicity, disability, pregnancy, sexual orientation, marital status, genetic information or veteran's status. Questions pertaining to educational equity, equal access or equal opportunity should be addressed to the College's Title IX Coordinator/Equity Officer.

The following summary of non-discrimination laws is intended to be a general guideline for managers utilizing this manual as a tool for effective and lawful hiring decisions. It is not intended to be an exhaustive guide to all the intricacies of employment law, many of which are complex and may require detailed analysis. If any issues arise in the recruitment and selection process, the Hiring Supervisor should immediately contact Human Resources for guidance. The laws that oversee the hiring process are listed below:

Federal Laws

Title VII of the Civil Rights Act of 1964

Prohibits discrimination in employment on the basis of race, color, religion, sex, or national origin. The act requires employers to compile and keep records that can be used to determine whether unlawful employment practices have occurred. An amendment to the act prohibits discrimination against pregnant women. Pregnant women must be evaluated on their ability to perform a job, not on their medical condition.

Basic premises of discrimination include disparate treatment, which is intentionally treating someone differently and adverse impact, where neutral practices/policies affect a particular group.

The Age Discrimination in Employment Act (1967), as amended

Protects people age 40 and older and prohibits discrimination in employment on the basis of age. Rare exceptions may exist if an employer can prove that requiring an employee to be within a certain age group is a necessary occupational qualification, e.g., child model. Such exceptions would be rare, if nonexistent, in a college environment. Any uncertainty in this area must be addressed with the Office of Human Resources.

Civil Rights Act of 1991

Made changes in the federal laws against employment discrimination enforced by the Equal Employment Opportunity Commission (EEOC). Enacted in part to reverse several Supreme Court decisions that limited the rights of persons protected by these laws, the Act also provides additional protections. The Act authorizes compensatory and punitive damages in cases of intentional discrimination and provides for obtaining attorneys' fees and the possibility of jury trials. It also directs the EEOC to expand its technical assistance and outreach activities.

The American with Disabilities Act of 1990 (ADA)

Protects people who have mental or physical impairments, who have a record of mental or physical impairments, or who are regarded as having disabilities. One objective of the ADA is to ensure that people who are otherwise able to perform the essential duties of a job are not overlooked because of their actual or perceived disabilities. The ADA defines a "qualified individual" as a person who has a physical or mental impairment, which substantially limits major life activity, but who can perform the essential tasks of a particular job. Essential tasks are those that must be performed by the jobholder with or without reasonable accommodation.

Title I of the ADA

Specifically addresses discrimination in employment. The act requires reasonable accommodation, which is defined below, so that a person with a disability can perform the essential duties of a position.

Some points to remember regarding the laws of ADA are:

- Essential functions of the job are those core duties that are the reason the position exists. For example, an essential function of a position requiring word processing is the ability to type; an essential function of a groundskeeper is to operate machinery.
- A "reasonable accommodation" is any modification or adjustment to a job, the job application process, or the workenvironment.
- A "reasonable accommodation" will enable a qualified candidate or employee with a disability to perform the essential functions of the job, participate in the application process, or enjoy the benefits and privileges of employment.
- The College is not required to make an accommodation if it would impose an undue hardship on the operation of the institution. An undue hardship is an action that requires "significant difficulty or expense" in relation to the size of the employer, the resources available, and the nature of the operation. For the purpose of recruitment and selection, determination as to whether a particular accommodation poses an undue hardship will be made on a case-by-case basis by the Hiring Supervisor/administrator and the Director of Human Resources.
- The College is only required to accommodate a "known" disability of a qualified candidate or employee. Thus, it is the person's responsibility to tell the College that he/she needs a "reasonable accommodation."

Genetic Information Non-Discrimination Act of 2008 (GINA)

- Under Title II of GINA, it is illegal to discriminate against employees or candidates because of genetic information. Title II of GINA prohibits the use of genetic information in making employment decisions, restricts employers and other entities covered by Title II (employment agencies, labor organizations and joint labor-management training and apprenticeship programs - referred to as "covered entities") from requesting, requiring or purchasing genetic information, and strictly limits the disclosure of genetic information.
- The EEOC enforces Title II of GINA (dealing with genetic discrimination in employment). The Departments of Labor, Health and Human Services and the Treasury have responsibility for issuing regulations for Title I of GINA, which addresses the use of genetic information in health insurance.

Equal Pay Act (EPA)

Prohibits discrimination on the basis of sex in the payment of wages or benefits, where men and women perform work of similar skill, effort, and responsibility for the same employer under similar working conditions.

Florida Laws and State Statutes

Marital Status

Florida law stipulates that marital status should not be used as a basis for an employment decision.

The Florida Educational Equity Act (228.2001)

The Act prohibits discrimination on the basis of race, national origin, sex, disability, or marital status against a student or an employee in the state system of public education. No person shall, on the basis of race, national origin, sex, disability, or marital status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity, or in any employment condition or practices, conducted by a public educational institution which receives benefits from federal or state financial assistance. The College is required to report statistical employee data according to gender and race/ethnicity annually to the Office of Equity and Access of the Office of the Florida Department of Education. The College is also required to establish hiring goals for faculty and administrators when those areas are determined to be underrepresented through the College's equity reporting.

The Florida Open Records and Public Meeting Laws (286.011)

All meetings, notes and records of screening and selection committees are subject to the open records and meeting laws, also known as "the sunshine laws". Specifically:

- All meetings are open, and any interested party may attend. This can include other applicants. However, meetings do not have to be announced publicly and in advance of the meeting.
- All notes and records are public records. Records include paper records and files, electronic

documents and videotapes of interviews.

- Each member of the screening committee is responsible for ensuring that his/her notes are forwarded to the committee chair.
- The chair of the screening committee is responsible for attaching the necessary documentation to the position file and forwarding all records to Talent Acquisition. Human Resources will retain the records and maintain the information for four years, as required by state statute.
- All recruitment and selection records including applications, resumes, reference checks, records of meetings, notes and videotapes may be reviewed by any interested party. Copies may be made at a nominal cost.
- The timing of the request to review records must be reasonable.

Veterans' Preference (295.07, 295.11)

The state and all political subdivisions of the state shall give preference in employment and retention after being deployed (FS 295.07, 295.11). Individuals who qualify for this preference are as follows:

1. A disabled veteran who has served on active duty in any branch of the U.S. Armed Forces, has received an honorable discharge, and has established the present existence of a service-connected disability that is compensable under public laws administered by the U.S. Department of Veterans Affairs; or who is receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the U.S. Department of Veterans Affairs and U.S. Department of Defense.
2. The spouse of a person who has a total disability, permanent in nature, resulting from a service-connected disability and who, because of this disability, cannot qualify for employment, and the spouse of a person missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power.
3. A wartime veteran as defined in s. 1.01(14), who has served at least one day during a wartime period. Active duty for training may not be allowed for eligibility under this paragraph.
4. The unremarried widow or widower of a veteran who died of a service-connected disability.
5. The mother, father, legal guardian, or unremarried widow or widower of a member of the U.S. Armed Forces who died in the line of duty under combat-related conditions, as verified by the U.S. Department of Defense.
6. A veteran as defined in s. 1.01(14), F.S. Active duty for training may not be allowed for eligibility under this paragraph.
7. A current member of any reserve component of the U.S. Armed Forces or the Florida National Guard.

Veterans must have been honorably discharged as indicated on their DD214 to be eligible for preference. A DD214 must be provided by the candidate at time of application. Eligible applicants who meet the requirements for the position are guaranteed preference at every step through-out the hiring process.

Most non-exempt full-time positions with benefits are eligible. Positions that are exempt from Veterans' Preference include Executives, Directors as well as positions with managerial responsibilities. Most positions that require a license are exempt. Temporary positions and contract positions are also exempt from Veterans' Preference. If you have any questions related to a candidate's eligibility for Veterans Preference or whether a vacancy is a covered position, please contact a representative from the Talent Acquisition office.

Florida Immunity from Liability and Employer Presumption Against Negligent Hiring (768.095 and 768.096)

Florida Statutes provide employers who disclose information about a former or current employee to a prospective employer, upon request of the prospective employer or of the former or current employees, immunity from civil liability for such disclosure or its consequences. This immunity does not exist if it is shown by clear and convincing evidence that the information disclosed by the former or current employer was knowingly false or violated any civil right of the former or current employee protected under chapter 768.

In a civil action under certain circumstances an employee's employer is presumed not to have been negligent in hiring if, before hire, the employer conducted a background investigation that did not reveal any information that reasonably demonstrated unsuitability of the prospective employee. The background investigation must include:

- Criminal background investigation from the Florida Department of Law Enforcement (FDLE)
- Reasonable effort to contact references and former employers
- Completion of a job application that includes specific information
- Written authorization and a check of the driver's license records if relevant
- Interview of the prospective employee
- Evaluation of any applicable transcripts