

33.99.01 Employment Practices

Revised [October 18, 2023](#)

Next Scheduled Review: October 18, 2028

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Regulation Summary

The employment practices of members of The Texas A&M University System (system) must be in accordance with the provisions of this regulation and with federal and state law.

Definitions

Click to view [Definitions](#).

Regulation

1. VACANCY ANNOUNCEMENTS

- 1.1 Members may promote or transfer qualified internal candidates (employees from within the system) to fill positions without posting a vacancy. Each member must establish written guidelines for filling positions by promotion or transfer in accordance with System Regulation *33.99.04, Promotions, Transfers and Voluntary Moves*.
- 1.2 When qualified applicants are available within the system, the human resources officer or appropriate academic vice president (for faculty positions) may authorize limiting vacancy announcements internally within that member or internally within the system.
- 1.3 All other position vacancies for which external candidates (individuals from outside the system) are considered must be posted.
 - 1.3.1 Vacancies in nonfaculty budgeted positions must be posted for at least five days with the member's Human Resources department unless the member's guidelines dictate an alternate posting location. Vacancies in faculty positions must be posted with the appropriate academic vice president or equivalent and, if required by member guidelines, with the Human Resources department.
 - 1.3.2 A member may designate an open position as a military preference position and only accept applications for that position from individuals who are entitled to a military employment preference.

1.3.3 In accordance with federal and state law, if external candidates (individuals from outside the system) are considered for a budgeted or wage employment opening, the vacancy must be listed with the Texas Workforce Commission. Student positions are excluded from this requirement.

1.3.4 In addition, to ensure a diverse applicant pool, members may post announcements on and off-site, list openings with professional associations and through journals, enter announcements on appropriate websites and use other means to widely publicize the open position.

1.4 Each member chief executive officer (CEO) or designee must approve any waiver of normal posting and recruiting guidelines in Section 1. However, the posting requirements under Section 1.3.3 of this regulation cannot be waived.

2. EQUAL OPPORTUNITY AND RECRUITING

In accordance with System Policy *08.01, Civil Rights Protections and Compliance*, the system provides equal opportunity for employment to all persons regardless of race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, gender identity or any other classification protected by federal, state or local law. .

3. EMPLOYMENT SELECTION RECORDS RETENTION

Each member must maintain, in accordance with the respective retention periods in The Texas A&M University System Records Retention Schedule, employment applications, employment selection records and other records that document the selection process on all job applicants.

4. SEARCH COMMITTEES

Each member must establish written guidelines for faculty and nonfaculty searches that use committees. The guidelines must ensure consistency in search procedures and establish parameters for the focus and scope of searches.

5. EMPLOYMENT

5.1 Hiring decisions must be based on job-related factors such as required or preferred education, experience, knowledge, skills, abilities, license(s), certification(s), results of reference checks and success in previous employment.

5.2 An individual who qualifies for a military or former foster child's employment preference under Texas Government Code, Chapters 657 and 672 respectively, is entitled to a preference in employment over other applicants for the same position who do not have a greater qualification. With respect to administering the military employment preference, for each announced open position, the member must interview according to the following.

5.2.1 If six or fewer applicants are chosen for an interview, an applicant qualified for a military employment preference must be interviewed.

5.2.2 If more than six applicants are interviewed, 20% of the interviewees must claim a military employment preference.

5.2.3 For an announced open position that does not yield applicants who qualify for a military employment preference, Sections 5.2.1 and 5.2.2 do not apply.

5.3 Every offer of employment for a budgeted position must be conditioned on verification of education, license and certification requirements, relevant previous employment and other job-related credentials. Every offer of employment for a wage position must be conditioned on verification of any relevant job-related credentials.

5.4 Criminal history checks must be conducted in accordance with System Regulation 33.99.14, *Criminal History Record Information – Employees and Applicants*.

5.5 Foreign nationals may only be employed in accordance with System Regulation 33.99.09, *Employment of Foreign Nationals*.

6. SELECTIVE SERVICE REGISTRATION

All offers of employment to males ages 18 through 25, in budgeted or wage positions, must be contingent on proof of the applicant's compliance with federal selective service law. If the applicant is not currently registered but is required to be, he may be given an opportunity to register before he is hired. Proof of compliance may not be required until a contingent offer of employment is made because confirmation may require that the system gather information that may not be used during the selection process.

7. APPROVAL TO HIRE

A vacancy may not be posted and an offer of employment may not be made until the position and proposed salary have been approved based on the member's written guidelines.

8. MEMBER GUIDELINES

Each member must publish guidelines to be followed in the hiring process which must include timely orientations and appropriate training as required by law, or system policy or regulation.

Related Statutes, Policies, or Requirements

[Tex. Gov't Code § 651.005](#)

[Tex. Gov't Code § 656.001](#)

[Tex. Gov't Code, Ch. 657](#)

[Tex. Gov't Code, Ch. 672](#)

[41 C.F.R. § 60-300.5](#)

[System Policy 08.01, Civil Rights Protections and Compliance](#)

[System Regulation 33.99.04, Promotions, Transfers and Voluntary Moves](#)

[System Regulation 33.99.14, Criminal History Record Information – Employees and Candidates for Employment](#)

[The Texas A&M University System Records Retention Schedule](#)

Member Rule Requirements

A rule is not required to supplement this regulation.

Contact Office

Human Resources
(979) 458-6169