

# **University of the Pacific Career Services Employer Policy Statements**

## **Employer Expectations**

Employers engaged in any on-campus recruiting efforts are expected to inform Career Services of the hiring process status of Pacific students and communicate hiring decisions within an agreed upon time frame.

Employers are discouraged from pursuing any Pacific student who has already accepted a job offer from another organization, as this behavior can damage relationships with students, other recruiters, and relationships with the Pacific community. Withdrawing job offers, whether verbal or written, violates professional standards and Pacific recruiting policy. If you are considering retracting an offer for whatever reason, please call our office immediately.

Employers are expected to avoid discrimination in their recruitment activities and to follow equal employment opportunity and affirmative action principles.

## **Employer Rescinding Job Offers<sup>1</sup>**

1. Employers should root their campus recruiting programs and processes to a solid understanding of the NACE Principles, which provides guidance that can help employers both avoid having to rescind or defer offers and manage such situations if they do arise. Employers will want to consider how they actualize Principle 1 to “practice reasonable, responsible, and transparent behavior that consciously avoids harmful actions.” Further, in that effort to be responsible and transparent, employers will want to consider “clearly articulating and widely disseminating the organization’s policies and guidelines,” in an effort to comply with Principle 2—to “act without bias.”

2. As a practical consideration, employers are encouraged to do their utmost to minimize the negative consequences to candidates when they must change their commitments to them. We recommend the following:

A. Consider alternatives that do not require rescinding employment offers. These may include changes in job responsibilities, salary reduction and/or reduced work weeks, changes in job locale, delayed starting dates, and other reasonable options.

B. If the offer must be revoked, it is strongly encouraged that the employer provide assistance to the affected candidate. Such assistance could include:

- Reimbursing the candidate for expenses incurred in the acceptance of employment, such as travel and relocation expenses.

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<sup>1</sup> National Association of Colleges and Employers (NACE) – Principles for Ethical Professional Practice, August 2017

- Providing the candidate with short-term financial assistance.
- Offering the candidate services to secure other employment, or providing a stipend to cover the cost of such services.
- Providing the candidate with a written statement that the offer has been revoked. This may help the candidate secure a job offer that he/she had turned down in favor of the offer that has now been rescinded.

These actions benefit the affected candidates by offering fair consideration for their losses. Equally important, these actions also benefit the employer's university relations efforts by minimizing the damage to its reputation.

3. The employer should alert the candidate about the changes in employment status or commitment as soon as possible to enable the candidate to make informed and timely decisions regarding his/her employment opportunities and other options.

4. In accordance with confidentiality requirements and laws, and with the agreement of the candidate, employment professionals can notify the candidate's career center that the offer has been deferred or rescinded. The career center's involvement can be beneficial to the student and employer. For example:

- The staff can provide the candidate with services to help him/her gain other employment.
- The staff can advise the employer on how to minimize damage to the organization's reputation and recruiting effectiveness.

5. If employment professionals opt to delay the candidate's starting date by more than three months in lieu of revoking the job offer, they should maintain regular contact with the candidate before the start date and provide the candidate with appropriate short-term financial assistance. Doing so will help keep the candidate well-disposed toward the employer. However, it is important that both the employer and the candidate understand that the candidate may decide to accept another offer during this period, as the deferred offer could ultimately become a rescinded offer.

While this proposal may not provide a perfect resolution to a revoked offer, it does offer the candidate consideration of some value. More important, it gives everyone involved—employers, candidates, and career services professionals—an opportunity to restart the job-placement process and move onward.

### **Employers Recruiting Interns**

Career Services at University of the Pacific would like to ensure that our employers are fully aware of both the federal and state guidelines for unpaid internships before posting your opportunities. We ask that you please read the information below to ensure you understand both the Federal and State guidelines.

- a. Abide by the criteria for an experience to be defined as an internship, set forth by [National Association of Colleges and Employers Position Statement on U.S. Internships](#).(link is external)
- b. Clearly demonstrate that the position is primarily for the educational and career training benefit of the student and does not involve more than 20% clerical work. There must be supervision by professional staff, ongoing training, and feedback.
- c. Not guarantee compensation contingent on trial or training period, and/or guarantee employment to potential interns.
- d. Offer qualifying compensation for the internship; Internships with for-profit companies should be paid at least minimum wage. **For-profit companies offering unpaid, stipend, and/or internships that require credit must:** Uphold the [Department of Labor's Fair Labor Standards Act Internship Fact Sheet #71](#) (link is external) "primary beneficiary test," which includes the below seven factors, to determine if an intern must be paid minimum wage and overtime. The information below will help employers distinguish between an employee, who must be paid, and a trainee, who can legally work as an unpaid intern.
  1. The extent to which the intern and the employer clearly understand that there is no expectation of compensation. Any promise of compensation, express or implied, suggests that the intern is an employee—and vice versa.
  2. The extent to which the internship provides training that would be similar to that which would be given in an educational environment, including the clinical and other hands-on training provided by educational institutions.
  3. The extent to which the internship is tied to the intern's formal education program by integrated coursework or the receipt of academic credit.
  4. The extent to which the internship accommodates the intern's academic commitments by corresponding to the academic calendar.
  5. The extent to which the internship's duration is limited to the period in which the internship provides the intern with beneficial learning.
  6. The extent to which the intern's work complements, rather than displaces, the work of paid employees while providing significant educational benefits to the intern.
  7. The extent to which the intern and the employer understand that the internship is conducted without entitlement to a paid job at the conclusion of the internship.

### **Principles for Third Party Recruiters<sup>2</sup>**

University of the Pacific uses the National Association of Colleges and Employers' definition of third-party recruiters as "...agencies, organizations, or individuals recruiting candidates for temporary, part-time or full-time employment opportunities other than for their own needs. This includes entities that refer or recruit for profit or not for profit, and it includes agencies that collect student information to be disclosed to employers for purposes of recruitment and employment."

We follow general NACE guidelines in working with third-party agencies as published in the Principles for Professional Conduct for Career Services and Employment Professionals.

We provide direct assistance to third-party agencies that meet the following criteria:

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<sup>2</sup> National Association of Colleges and Employers (NACE) – Principles for Ethical Professional Practice, August 2017

- Third party recruiters will be allowed to post positions if they provide a full job/internship description for a valid opening and disclose the nature of the relationship between the agency and the employer to Career Services staff. Although not required to be included in the posting itself, it is required that the name of the employer for which the third party is providing recruiting services be provided to Career Services. Pacific will not solicit business away from third-party recruiters by offering to deal directly with the employer. If Pacific is already working with the named employer on recruiting efforts, this creates a conflict of interest and further investigation will be warranted.
- In accordance with the Family Educational Rights and Privacy Act (FERPA), any candidate information provided by the college or university will be for the exclusive use of the recruiting agency and the identified employer. Re-disclosure of candidate information is not permitted.
- Third party recruiters must comply with all federal and State Equal Employment Opportunity laws (Titles VI and IX, and ADA).
- Third party recruiters are prohibited from charging any fees to students in exchange for services.

### **Informal Job Postings<sup>3</sup>**

Career Services prohibits posting of jobs that are located in private residences where employers do not offer workers' compensation insurance and cannot provide a current business license. Additionally, any organization and/or company that cannot provide workers' compensation insurance or cannot provide a current business license will be prohibited from posting/advertising opportunities through Handshake.

### **Multi-Level Marketing**

Multi-Level Marketing Organizations are not considered "employers" by Career Services and are not eligible to participate in on-campus interviewing, resume referrals, job listings, employer presentations, and/or sponsorships for on-campus activities.

Career Services considers organizations that engage in the following to be Multi-Level Marketing Organizations:

- Sponsoring an individual to set up his/her own business for the purpose of selling products or services and/or recruiting other individuals to set up their own business.

-AND-

- Requiring an initial cash or capital investment, account balance or similar fiscal requirements from this individual, with the organization itself serving as an umbrella or parent corporation. The initial investment may include but is not limited to such things as direct payment of a fixed fee, payment to attend an orientation or training session, and/or purchase of a starter kit.

Another characteristic of a Multi-Level Marketing Organization may be that compensation is in the form of straight commission, fees from others under their sponsorship in the organization, and/or a percentage of sales generated by others.

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<sup>3</sup> Policy developed in conjunction with Pacific's Enterprise Risk Management

**Marijuana and Cannabis Industries**

Career Services will not accept companies or positions involved with the use, production, testing, or distribution of recreational or medical marijuana. As the use of marijuana is illegal at the federal level and University of the Pacific receives federal funds, we must comply with federal law. In addition, the use of marijuana violates the Drug-Free Schools and Communities Act and continues to be banned on campus.

**Grievances**

Career Services staff will investigate all allegations by users of our services about job postings, employers, or work assignments. During an investigation, we may revoke an employer's use of our services. If Career Services determines that a complaint is justified, we may choose not to offer recruiting activities to the employer. Career Services will notify the employer in writing of the decision. Such grievances may be grounds for report to the National Association of Colleges and Employers (NACE), and subsequent removal from the Handshake system.

**Exceptions to Our Policies**

Pacific's Career Services reserves the right to make exceptions to our policies for situations we deem to be acceptable and beneficial to our students, our department, or recruiters using our service. Such exceptions will be considered on a case by case basis, and do not constitute a change in policy, or a decision that this exception will be made again in the future.