

Ethical Principles and Code of Conduct Opinion

Opinion Number: 1003-13

Issued: 03/14/2013

Issue

Has an improper hiring occurred?

The Comply-Line received an anonymous complaint stating:

"Penny Cox, Associate Vice President, UKIT until June of 2012, has been given a position as of July 2012 to work in the office of Vice President for Finance and Administration."

Further, the complaint alleges:

"Her job duties do not relate to Information Technology. She is currently working in a position that more qualified candidates did not get a chance to apply to be considered. She is working on the real estate and construction project related to the dorms and it is not her expertise. Others with real estate and construction expertise with contract negotiation skills in construction were overlooked. UK administration continues to ignore HR rules and hire friends in these positions."

Facts

As of March 14, 2013, Ms. Cox is listed in the Human Resources system as being in the position, "VP Assoc IS/Administration & Finance" or Associate Vice President for Information Technology (Note: Information Technology is the new title for the university unit that was previously called IS, Information Systems). Due to a very large student housing project, the Office of the President encouraged the University Treasurer, Angie Martin, to create a new position to assist with management of that housing project. During the first phase of the housing project (Haggin field, 600+ beds), Ms. Martin and her staff attempted to handle the project management in addition to performing their regular job duties. Ms. Martin and Bill Swinford, Chief of Staff to the President, agreed that there must be assistance to the Treasurer and her staff for the next two phases of the project (Championships Court and Woodland Glenn, 2,300 beds). Because the need for the position was immediate and critical, Ms. Martin and Vince Kellen, Vice President for Information Technology, agreed that Ms. Cox would take a temporary assignment in the Office of the Treasurer. When on a temporary assignment, an employee remains in her/his present position but performs different duties, usually in a different area of the University.

Ms. Martin has completed a Job Questionnaire Analysis (JAQ) for the creation of a regular full-time position. Human Resources evaluated the JAQ and determined that the position title is "Special Project Director" and the position is a 0000 level. The position was posted on the Human Resources "Jobs" site on the UK web site on Monday, March 11; the position will come off of the posting on Tuesday, March 19. The posting notes that the position is one where an Internal Candidate (is) Being Considered (ICBC). When asked, Ms. Martin stated that the position is not a real estate or construction position; the vendor of the project is in the real estate and construction business and that this position is a project/implementation coordinator/manager position. The actual job description will be noted on the Jobs web site. Qualified candidates may apply.

Applicable Regulations

Human Resources Policy and Procedure Number 10.0: Staff Employment

Under "Purpose" in the first paragraph of this policy, it is stated:

"The University strives to recruit and select the best qualified candidates to support the University's vision and mission."

NOTE: Although there is a specific regulation of temporary assignments for faculty, there is not a regulation for temporary assignments for staff. There are probably MANY more temporary assignments for staff than faculty.

Discussion and Conclusion

As noted in the facts, as of now, Ms. Cox remains in the IT position to which she was hired or promoted several years ago. Now a new position has been created in the office of the Treasurer. The position is now posted at the "UK Jobs" web site. At present, Ms. Cox remains on a temporary assignment. There are no specific Human Resources regulations relating to temporary assignments for staff. On occasion at the University when there is a special project, one senior administrator may request of another senior administrator the services of an employee who may be a good fit for the services need. The temporary assignment might be in the same unit. On a personal note, the Chair of the Ethics Committee, T. Lynn Williamson, in his almost 40 year career at UK has had three temporary assignments that lasted from three to twelve months. In all three cases, he remained in his present position, but performed temporary duties in another area of the University.

The University Treasurer Angie Martin saw a need for a position to manage the very large housing project and requested that Vice President, Vince Kellen, 'loan' Ms. Cox to the project for an indefinite period of time. Mr. Kellen agreed to Ms. Cox thus taking this temporary assignment. Now Ms. Martin has decided and received approval for a regular full-time position. As noted earlier, the position is now posted and the best qualified candidate will be hired.

For all positions at the University (whether for a temporary assignment, or for a temporary or regular position), per University policy, hiring officials attempt to hire the "best" qualified candidate, not the "most" qualified candidate.

The Ethics Committee does not believe that any violation of University policy has occurred.

Recommendations

None

Members of the Ethics Committee

C: Dr. Eli Capilouto, President
Dr. Tim Tracy, Acting Provost
Dr. Michael Karpf, Executive Vice President for Health Affairs
Ms. Angie Martin, Treasurer
Dr. Vince Kellen, Vice President for Information Technology

Members of the Ethics Committee:

Dr. Jeannine Blackwell, Dean, The Graduate School
Dr. Jeff Bieber, Professor, College of Education and University Senate Representative
David Melanson, College of Pharmacy
Brett Short, Chief Compliance Officer, UK HealthCare
Jack Supplee, Director, Administrative & Fiscal Affairs, Office of the VP for Research
T. Lynn Williamson, Sr. Associate General Counsel
Kim Wilson, Associate Vice President for Human Resources
Mr. Joseph Reed, Senior Director, Internal Audit
Mr. Bill Harris, Director of Purchasing