

Substantial differences for posted position selections

SUBSTANTIAL DIFFERENCES

According to the Memorandum of Understanding, paragraph 731, of the September, 2004, UMPNC/MNA/UM Agreement, a joint subgroup was convened to write an intent document to further describe substantial differences. The following is the outcome of that work.

POSTING THE POSITION:

Determining substantial differences among the desired qualifications requires that the posting of the position clearly delineate the required and desired qualifications. The “selection criteria” for the position are the required and desired qualifications contained in the posting. The posting is a vehicle for communication to potential candidates to enable them to recognize those positions for which they may be qualified.

It is important to understand that a candidate must meet all the required qualifications in order to be considered for the position. These should include the required qualifications noted in the classification description as well as any other qualifications that are essential to do the work, but would not include those things that can be addressed in orientation, such as BLS certification. A hiring manager should describe the required qualifications in the posting as criteria that can be assessed and answered “yes” or “no,” in terms of whether or not a person meets them. For example, “one or more years of ICU experience” is measurable and clearly answered “yes or “no,” but “strong Med-Surg background” would be difficult to measure.

Desired qualifications may be met to varying degrees. These should be able to be demonstrated in some fashion, such as descriptions in performance evaluations or in references. These should describe those traits which will enhance a person’s ability to perform the work in an expert fashion as compared to those with less expertise. A good posting must list any and all desired qualifications which are relevant to the job responsibilities that will be considered by the hiring manager in making a decision, and they must be listed in descending order of importance to performance of the work.

Below is an abstract of the UM/UMPNC Agreement language related to substantial differences. Please refer to the full contract on-line for other information at <http://www.med.umich.edu/i/nursing/jit/contract05/pdf>

CONTRACT LANGUAGE

274 6) Required Qualifications – “Required qualifications” means that the records of the University, or other knowledge made known to the University, establish that the employee has the education, training, and experience as posted, and indicates with reasonable certainty that the employee will be able to perform competently the full range of duties of the regular opening within a reasonable period of time.

274 8) Desired Qualifications – “Desired qualifications” are additional skills, experience and credentials that are valuable to the position and which enhance the ability to do the work.

POSTING AND BIDDING PROCEDURE

276 The following procedure is intended to provide employees the opportunity to apply for and receive consideration for a regular job opening at the same time other candidates are being considered.

278 2) The posting will note the classification, the pay grade, the unit, the appointment hours, the shift(s), and whether it is a reposting of a position. ... In addition the posting will include a list of all required qualifications essential for consideration for that position, as well as a list of desired qualifications in priority order. (See Paragraph 90A; see Intent Notes for Paragraph 278).

278A Selection criteria will be developed by the hiring supervisor for each position that is posted and will be made available to candidates upon request, along with any other information about that position including a specific job description, if available. (See Intent Note for Paragraph 278A)

INTENT NOTE:

The postings will clearly state that the required qualifications must be met by the candidate in order to be interviewed and considered for the position.

SELECTION USING SUBSTANTIAL DIFFERENCES

The hiring manager needs to evaluate the candidates for the position based upon the posted desired and required qualifications. Please note the contract language describing selection consideration, below. The following is a suggested process for following the contract language, and there are several examples of this process, below:

1. List all the candidates and applicants in order of descending seniority (external applicants have no seniority). Doing this in an Excel spreadsheet or Microsoft Word table allows one to display and sort the candidates and external applicants). It may be helpful to list whether they are internal or external, and their current position and unit for quick reference.
2. Determine whether or not each of the candidates and applicants meet the required qualifications. The required qualifications may be written in abbreviated fashion in columns of the spreadsheet or table, and each of the candidates/applicants should be scored "yes" or "no" for each of the required qualifications.
3. If the hiring manager is unable to determine whether or not a candidate meets the required qualifications, he/she may want to conduct some phone interviews of some or all of the candidates to clarify their qualifications. This would be performed in seniority order until there is an adequate candidate pool. If the qualification is one that may be documented in the candidate's personnel file, the hiring manager could review the personnel file at the Human Resources offices. References from current managers should not be used without prior discussion with the candidate.
4. Only individuals who meet all the required qualifications should be interviewed. If there is a large candidate pool, interview the top most senior candidates and those who may have substantially better desired qualifications based upon their resumes.

5. If a group of staff, physicians and/or others are going to participate in the interviews and selection process, the hiring manager should solicit feedback specifically related to the desired qualifications. Interview feedback tools should list these qualifications.
6. References and review of candidates' personnel files should further clarify how well they meet the desired qualifications.
7. The hiring manager should record how well each of the interviewed candidates meets the desired qualifications in the spreadsheet or table and compare the candidates using this tool. The manager should judge whether or not a lower senior or external candidate who meets the desired qualifications significantly better in terms of meeting a number of the desired qualifications and the first desired qualifications carrying more weight than the later ones.
8. If there are not substantial differences in the desired qualifications, the most senior candidate who meets all the required qualifications should be offered the position.
9. If there are substantial differences in the desired qualifications of a less senior candidate or external applicant who also meets all the required qualifications, the hiring manager needs to contact UMPNC before a job offer is made. Some nursing directors prefer to be informed by the hiring managers about a substantial-difference/out-of-seniority-order decision prior to contacting UMPNC. The spreadsheet or table may be shared with the director and UMPNC for articulating the substantial differences.

CONTRACT LANGUAGE

SECTION C. SELECTION CONSIDERATION

284 Transfers will be made on the basis of qualifications and seniority in the following manner: (See Intent Notes for Paragraph 284; see Paragraph 282.6c & 6d)

- 1) Employees and applicants must possess all required qualifications in order to be considered; (See Paragraph 293)
- 2) Among employees possessing the required qualifications, the most senior will be selected unless there is a substantial difference among the desired qualifications. (See Paragraphs 285 and 293A)
- 3) Among employees and applicants possessing the required qualifications, the employee will be selected unless there is a substantial difference among the desired qualifications. (See Paragraphs 293, 719 and Intent Notes for Paragraph 284)

INTENT NOTES:

SUBSTANTIAL DIFFERENCE DEFINITION:

In an effort to meet the mutual interests of staff and managers, the following principles related to transfer and promotion were jointly developed:

- To professionally value each other and to be respectful to each other's skills'
- To foster commitment to internal and more senior employees;
- To be able to demonstrate the relevance of required and desired qualifications to the role.

If a less senior or external candidate possesses exceptional professional credentials, skills, knowledge or abilities, he/she may be selected over a more senior or internal candidate according to the following guidelines:

1. The professional credentials, skills, knowledge or abilities are relevant to the role, identified prior to the posting and listed in priority order as desired qualifications.

2. Assessment of the professional credentials, skills, knowledge or abilities is accomplished objectively through a combination of the candidate interview, resume, references, educational records or other documentation;
3. The professional credentials, skills, knowledge or abilities enhance the ability to do the work so that the candidate will be able to become expert and function independently within an abbreviated timeframe.
4. Placement of the candidate who possesses the professional credentials, skills, knowledge or abilities will further institutional and unit goals including quality patient care, patient/family satisfaction, cost effectiveness, and will promote effective team work.

Professional credentials, skills, knowledge or abilities include, but are not limited to:

- Relevant education including degree, certification or continuing education;
- Experience, both theory and practice based, evaluated by considering the breadth and depth, how recent, relevance, and specialized skills or knowledge.
- Professional qualities including progressive professional growth, demonstrated interpersonal skills, initiative, leadership, and work quality or performance.

It should be noted that there is a saturation point for experience; that is, a longer period of the same or similar experience in and of itself may not constitute a substantial difference. Similarly, short periods of the same experience may not indicate enough depth to be substantial.

SCENARIOS:

The following scenarios illustrate postings and comparison of qualifications to determine if substantial differences exist among the candidates' qualifications. None of the scenarios included here will prejudice either the University's or the UMPNC's position in any future dispute.

EXAMPLES

POSTING #1

Job Title: Nurse Practitioner

Job/Career Family: Health Care Registered Nurses

FLSA: Exempt

Hours/Week: 40/wk

Shift/Hours/Day: Day Shift, Hours to be determined

Location: Cancer Center, Team 3 – Med Oncology/Urology

Job Description and Responsibilities:

Function independently in general clinical care of urology oncology patients. Assess needs, perform physical examinations and develop outpatient treatment plans, including writing and signing prescription under the delegated authority of the supervising physicians. Perform and document medical work-ups including pre-operative, new patient, and return visit history and physical examinations. Dictate detailed progress notes, clinical care notes, and referring physician letters. Review and interpret laboratory and radiological test results. Enroll and manage patients on research protocols. Provide telephone triage and counseling between visits, as needed. Perform specified diagnostic/therapeutic procedures, such as urethral wash, urinary catheter placement, and wound care, including irrigation, drainage and debridement.

REQUIRED QUALIFICATIONS:

Current license to practice nursing in the state of Michigan. Satisfactory completion of an approved nurse practitioner program. National certification as an adult, family or acute care nurse practitioner. At least 2 years' experience as a nurse practitioner. At least 2 years' experience in surgical nursing. Demonstrated ability to perform patient histories and physical examinations and determine medical diagnoses and plans of care. Excellent communication and interpersonal skills. Ability to function independently.

DESIRED QUALIFICATIONS:

Experience with urologic patients. Experience in clinical research. Demonstrated leadership in the work setting and in professional activities. Certification in oncology nursing.

Posting #1, Scenario A

Job ID: #1																	
Status	Name	Seniority	I/E	Current Position	Unit	Required								Desired			
						Lic	NP Prog	NP cert	2 yrs as NP	2 yrs surg nsg	H & P & Dx exp	IP Skills	Fcns Indep	Exp uro pts.	Exp clin research	Dem on ldrs hp	Onc Cert
Interview	Nurse A	9/19/77	I	NP	Chelsea	Yes	Yes	Yes	Yes	20 yrs ago	Yes	Yes	Yes	No	Yes	No	No
Interview	Nurse B	12/8/80	I	NP	Neuro surg	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes-4 yrs	Yes	Lots	No
Interview	Nurse C	5/24/82	I	NP	Canton	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	inpt 7 yrs ago	Very Limited	Yes	No
Phone	Nurse D	9/12/83	I	RN Level C	5C	Yes	No	No	No	Yes	No	Yes	Yes				
Phone	Nurse E	10/8/84	I	CCC	CCGC	Yes	Yes	No	No	Yes	Student only	Yes	Yes				
Interview	Nurse F		E	Ext NP	HFHS	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Not recent	Yes	Yes
Phone	Nurse G		E	Ext NP	Beaumont	Yes	Yes	Yes	Yes	No	Yes	Unkn own	Unkn own				
Interview	Nurse H		E	Ext NP	DMC	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes - 3 yrs	Yes	No

Nurse A is most senior, followed by Nurse B, Nurse C, etc. Nurses D, E and G were found on Phone interview to not have the required qualifications, so were not considered further. Nurse B meets the desired qualifications substantially better than Nurse A – meets 3 of them compared to 1, and meets the top three. The other, less senior or external candidates, Nurses F and G are not substantially better qualified. Nurse B was selected.

Posting #1, Scenario B

Job ID: #1																	
Status	Name	Seniority	I/E	Current Position	Unit	Required							Desired				
						Lic	NP Prog	NP cert	2 yrs as NP	2 yrs surg nsg	H & P & Dx exp	IP Skills	Fcns Indep	Exp uro pts.	Exp clin research	Dem on ldrs hp	Onc Cert
Interview	Nurse A	9/19/77	I	NP	Chelsea	Yes	Yes	Yes	Yes	20 yrs ago	Yes	Yes	Yes	Yes, 4 yr	1 yr	Yes	No
Interview	Nurse B	12/8/80	I	NP	Neuro surg	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes-4 yrs	3 yrs	Lots	No
Interview	Nurse C	5/24/82	I	NP	Canton	Yes	Yes	Yes	Yes	Yes	Yes	?	Yes	inpt 7 yrs ago	Very Limited	Yes	No
Phone	Nurse D	9/12/83	I	RN Level C	5C	Yes	No	No	No	Yes	No	Yes	Yes				
Phone	Nurse E	10/8/84	I	CCC	CCGC	Yes	Yes	No	No	Yes	Student only	Yes	Yes				
Interview	Nurse F		E	Ext NP	HFHS	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Not recent	Yes	Yes

During the interviewing process, Nurse C was subdued and anxious, and was not forthcoming in response to questions. The interviewer was concerned that Nurse C did not meet the interpersonal skills required qualification. The hiring manager checked Nurse C's personnel file and found that she had no discipline and had good evaluations related to her interpersonal skills and work with teams. She determined that this candidate's interpersonal skills were sufficient to satisfy the required qualifications and considered her a viable candidate.

Nurse A and Nurse B both meet several of the desired qualifications. The amount of research experience for Nurse A is 1 year, but Nurse B has 2 more. One year may represent a saturation point, beyond which additional experience does not add significant value. Nurse A has participated in several leadership activities, but Nurse B has done more things which demonstrated her leadership. Since they are equal on the higher priority desired qualification and the difference in the other desired qualifications is not substantial, the most senior nurse, Nurse A, will be offered the position.

POSTING #2

Job Title: Registered Nurse

FLSA: Non-exempt

Hours/Week: 24 Hours/week

Shift/Hours/Days: 24 hours per week/ 8 hour Evening shifts rotating every other weekend.

Job Description and Responsibilities:

Provide expert level of direct nursing care related to vascular access services, includes evaluation, pre/post venous access, device placement and monitoring. Support and comply with the INS standards of practice and maintain the quality of venous access care. Facilitate communication among members of the health care team; provide consultation and resource for all VAS customers. Active participation on committees within the department.

REQUIRED QUALIFICATIONS:

Current license to practice nursing in the State of Michigan. Two or more years recent nursing experience. Must function independently and in a collaborative environment. Ability to assess appropriateness of access device and prioritize for placements. Possess a technical skill level, which includes adult and pediatric patients, by starting peripheral IV's. Ability to constantly stand and walk with frequent bending and twisting at patient bedsides as well as transport equipment and ultrasound machines.

DESIRED QUALIFICATIONS:

Certification in infusion nursing. PICC and Midline insertion qualified and competent. IV Therapy Team nursing experience and with bedside ultrasound use.

Job ID: #2															
Status	Name	Seniority	I/E			Required						Desired			
				Current Position	Unit	Lic	2 yrs rec RN exp	Fcns Indep	Determine Device Approp. & Priority	Tech Skls Adult/Peds	Phys Req	Cert Infusion	PICC & Midline Insert	IV Team Exp	Bedside Ultrasd Exp
Interview	Nurse A	12/19/93	I	RN	Card ICU	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	No
Interview	Nurse B	6/24/96	I	RN	Emerg	Yes	Yes	Yes	Yes	No	Yes				
Selected	Nurse C	8/15/99	I	RN	CSR	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Qualified	Nurse D		E	RN		Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	No

There were three internal candidates and one external candidate who applied for the position. The internal candidates have been put in seniority order followed by the external candidate and their qualifications were reviewed. A phone interview was conducted with one internal candidate (Nurse B) to confirm their qualifications for this position. The phone interview revealed this candidate's technical skill level in starting peripheral IV's was limited to adults, not meeting required qualification with pediatrics. The remaining two internal candidates, Nurse A and Nurse C, who meet all the required qualifications were interviewed. The nurse with the least amount of seniority, Nurse C, met all of the desired qualifications compared to the highest senior nurse, Nurse A, who met one of the desired qualifications listed in the posting resulting in a substantial difference between the two candidates. The meeting all of the desired qualifications enhances his/her ability to become an expert and function independently within an abbreviated timeframe. Nurse C was selected.

POSTING #3

Job Title: Flight Nurse Specialist

Job/Career Family: Health Care-Registered Nurse

Market Title: Flight Nurse Specialist

FLSA: Non-exempt

Hours: 40 hours per week

Shift: Nights

Location: UH, Survival Flight

Job Description and Responsibilities:

Autonomously evaluates, provides therapeutic intervention, and preparation for transport (via ground, helicopter, or airplane) of critically ill or injured patients of all age groups (neonatal through adult) from hospitals or accident scenes. Assesses and detects changes in the status of the patient and demonstrates a proactive approach to solving patient and family problems. Maintain complete accurate records, perform data collection and participate in research activities. Candidate must be willing/able to function in confined spaces and under adverse environmental conditions.

Communicate effectively in working with outside institutions/agencies, including hospitals, EMS, police, and fire departments.

REQUIRED QUALIFICATIONS

Current license to practice nursing in the State of Michigan. Minimum of five years nursing. Minimum five years critical care/emergency department experience in a tertiary (Level I or II hospitals.) Minimum two years experience caring for pediatric patient (population) in a level I or II hospital. Ability to demonstrate critical thinking skills and autonomous practice as evidenced by successful completion of selective testing tools in areas of advanced practice nursing including hemodynamically unstable patients, critically ill pediatric patients, patients with airway or respiratory compromise, acute trauma, multi organ system failure patients, etc. Demonstrated leadership abilities as evidenced by peer review and annual evaluation (including charge nurse role and/or preceptor experience.) Problem solving skills and independent decision making in working with peers, residents, and/or attending physicians within and outside institutional boundaries. Demonstrated outstanding interpersonal skills as evidenced by feedback from others/evaluation and interview process. EMT licensure with experience. Paramedic licensure (education process should be in place) with state licensure achieved in six months (external candidate) or one year (internal candidate.) Current ACLS/PALS certification.

DESIRED QUALIFICATIONS

Past experience with ECMO, cardiac assist devices, and advanced ventilation techniques. Committee/unit involvement. Nursing certification completion (CFRN, CCRN, and/or CEN.) Rotor wing experience. Provider training courses completed (NRP, TNCC, BTLIS, FNATC, PHTLS)

Job #3																						
Status	Name	Seniority	I/E			REQUIRED												DESIRED				
				Current Position	Unit	Lic	5 yrs as RN	5 yrs CC/ED tertiary	2 yrs Peds	Crit thng	Ldr shp abil	Prob solv /indep dec mkg	IP skills	Fcn Ind ep	EM T lic/exp	Par amedic lic	AC LS/PAL S	EC MO exp	Co mm/unit invo lve	CF RN/CC RN &/or CE N	Rot Wng exp	NRP, TNCC, BTLS, FNAT C, PHLT S
Phone	Nrs A	9/9/99	I	RN	ICU	Y	Y	N	N	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	N
Intervi ew	Nrs B	10/11/2000	I	RN	ED	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	N
Intervi ew	Nrs C		E	RN		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Nurse A has more seniority than Nurse B, and Nurse C is an external candidate. Nurse A was not interviewed as the resume clearly did not show five years of either Critical Care or Emergency experience and did not show either an EMT or Paramedic licenses. A telephone conversation confirmed that Nurse A did not meet these required qualifications. Nurse A was not considered for the position. Nurse B met all the required qualification and an interview confirmed such. In regard to the desired qualifications, the interview process yielded that Nurse B, possessed only “community involvement.” Nurse C, an external candidate, met all the required qualifications and the interview confirmed such. In regard to the desired qualifications, the interview process confirmed that Nurse C was an ECMO RN here at the University before transferring to another facility where Nurse C also gained rotor wing experience. Further, Nurse C possessed all of the desired qualifications. Nurse C was selected as she possessed substantial differences in desired qualifications over Nurse B.

Target Audience: UMHS Nurses Contact: Linda Bullard Last Reviewed 11/10