Chief of Staff Gregory Berkowitz requested a legal opinion on September 23rd, 2014. Chief of Staff asked if there is a position vacancy in the middle of the year due to a resignation or termination, do I have to re-due the hiring process if the new candidate was within the original candidate pool?

Statute 215.2 states the following: A reasonable effort must be made to advertise for all open positions. A reasonable effort shall be defined at a minimum as both informing members on the Student Body on social media of the vacancy and a minimum of five (5) Business Days of advertising for said vacancy on both the University of South Florida Employment website and the Student Government website. A specific section of the site shall be reserved for the purpose of regularly advertising for available positions.

Furthermore,
Statute 215.3 states the following: A Hiring Team shall be formed for each vacancy which shall include at a minimum the following individuals...

Furthermore,
A “Vacancy” as stated in Merriam-Webster dictionary is “a job or position that is available to be taken”

Therefore, it is the opinion of the Attorney General that if an employee were to resign or be terminated, that would result in a vacancy. If there is a position vacancy at any point during the term, to formally hire a new permanent applicant, a hiring committee will need to be formed, the position advertised for five business days on the Student Government Website and University Employment Website, and a recommendation of the committee will need to be given to the respective branch head.

Alexander Johnson
Attorney General
CC:
Chief of Staff Gregory Berkowitz
Student Body President Jean Cocco
Student Body Vice President Rhondel Whyte
Senate President Andy Rodriguez
Senate President Pro-Tempore Abdool Aziz
Chief Justice Sammy Hamed
Senior Justice Daniel Shapiro
SGATO Director Gary Manka