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4.201 Employment Classifications Non-Faculty

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Type of Policy <input checked="" type="checkbox"/> University <input type="checkbox"/> <i>Campus</i> <input type="checkbox"/> <i>Department/Unit</i> <input type="checkbox"/> Interim		Employment Classifications (Non-Faculty) Policy 4.201	
Human Resource Policies		Effective date: October 11, 2011	
Policy History:	Approved by:	Resolution #	Date:
	Chancellor	N/A	October 11, 2011
Responsible Office:	Responsible Administrator:	Contact information:	Applies to:
Office of University Human Resources	Director of University Human Resources	937-769-1375	All Non-Faculty Employees

I. General

This policy describes the various classifications of positions in terms of (1) their exempt or non-exempt status under the FLSA, (2) their regular schedule (full-time, part-time, term appointment, contract, temporary, and on-call), and (3) their function or level of responsibility (executive, administrative, staff, and so on). This policy addresses non-faculty positions for Antioch University (“AU” or the “University”) only. For information on faculty and graduate assistants, please refer to the Faculty Classifications Policy under Academic Policies, Policy #5.301.

II. Employee Fair Labor Standards Act Status

The Fair Labor Standards Act (FLSA), as amended, is a federal law which establishes certain requirements for minimum wages and overtime pay, among other things. It classifies employees into two major categories, those who are “exempt” from the provisions of the Act, and those who are “non-exempt,” and therefore protected by the Act. The classification of a position determines how an employee may be paid for overtime hours worked and whether or not they are subject to the minimum wage and overtime provisions of the Fair Labor Standards Act. Overtime is typically defined as any time worked over 40 hours in a workweek (depending upon the local and state laws or bargaining unit contract). The Director of the Office of Human Resources (“HR”) determines which positions are properly classified as exempt or non-exempt under federal and state law. For all

job categories, there are specific standards for determining the exempt status. Questions regarding the exempt status of a university position may be directed to HR.

A. Exempt Employees

Exempt employees are those who by virtue of their job responsibilities and method of payment are exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act. Exempt employees must be paid on a salary basis and typically exercise significant judgment and discretion in the performance of their duties. An exempt employee is not paid a differential for overtime hours worked. There are four primary categories under which an employee may be considered exempt: administrative, executive, professional and certain computer professions. These categories generally define exempt employees as those who customarily and regularly exercises discretion and independent judgment in the performance of their duties, and who meet certain minimum salary requirements

1. The Administrative exemption is for non-manual or office work directly related to management policies or general business administration. Such positions customarily and regularly require the exercise of independent judgment and discretion more than 50% of the time on matters of significance. Work is performed under general supervision and may require special training, experience, or knowledge.
2. The Executive exemption is for positions whose primary duty is management of a department or subdivision in addition to exercising independent judgment and discretion more than 50% of the time. Under the executive exemption, positions must directly supervise 2 or more full-time employees and have the ability to make employment and disciplinary decisions.
3. The Professional exemption is for work that requires an advanced degree and that is original or creative in nature. Independent judgment and discretion must be exercised in these positions more than 50% of the time.
4. In addition, certain computer professions may be considered exempt under the Professional exemption when they meet certain duty and salary tests. Normally this category includes those employed as computer systems analysts, computer programmers, software engineers, or other similarly skilled workers in the computer field performing the following primary duties:
 - a) The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;
 - b) The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;
 - c) The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or

- d) A combination of the aforementioned duties, the performance of which requires the same level of skills.

In general, exempt employee positions include such positions as executives, administrators, directors, managers, and professional staff, such as engineers, attorneys, and IT personnel. This list is for illustrative purposes only, and is not meant to be exhaustive. Exempt staff is typically paid on the monthly payroll. While they are required to account for hours used for vacation and sick leave each pay period, they are not required to report all hours worked. Please refer to the Hours of Work and Attendance Policy # 4.401 for a more complete description of record keeping requirements.

B. Non-exempt Employees

Non-exempt employees are employees who are protected by the minimum wage and overtime provisions of the Fair Labor Standards Act. They are typically paid on an hourly basis (hourly non-exempt), but may be paid on a salary basis (salaried-non-exempt). The fact that an individual is paid on a “salary basis” does not necessarily mean that they are exempt from the FLSA. All non-exempt employees must be paid at one and one-half times their regular rate of pay for all hours worked in excess of 40 hours in a work-week. In addition, while federal laws do not require payment of premium pay for hours worked in excess of 8 hours in a work day, some state laws, including California, do impose such a requirement. Non-exempt staff employees are paid on the bi-weekly payroll and hours worked are reported on a time sheet. Non-exempt employee positions include such positions as secretarial, clerical, maintenance, and service workers. This list is for illustrative purposes only, and is not meant to be exhaustive.

III. Employee Work Schedule Status

A. Regular Full-Time Employee

A regular full-time employee is employed under an annual contract issued by the appointing authority and is scheduled to work a full time schedule as defined by campus policy. (See Hiring and Search Committee Policy # 4.103).

B. Regular Part-Time Employee

A regular part-time employee is employed under an annual contract issued by the appointing authority and is scheduled to work less than a full time schedule as defined by campus policy. Eligibility for benefits of such part-time employees is addressed in the Benefits Eligibility Policy # 4.701.

C. Term Appointment Employee

A term appointment employee is hired (full-time or part-time) into a position that is designated to run for a defined period of time. This may happen for various reasons; such as, the position is funded from non-recurring sources (e.g. contracts and grants) or the position is needed to complete a special project. Term employees are normally hired for periods greater than six (6) months and less than three (3) years.

Employees hired for a term appointment will be separated from the university as of the specified date unless the supervisor notifies the employee that the appointment will be extended. For the specified period of appointment, term employees are entitled to all other rights and privileges as regular status employees, except the right to grieve separation at the end of the appointment. Term appointment employees are not placed on layoff status at the end of the appointment. For information on layoff status refer to Termination of Employment Policy # 4.223.

D. Temporary Employee

A temporary employee is hired to work a reasonably predictable schedule, full-time or part-time, for a period not to exceed one year. Temporary positions are normally not renewable; however, extensions may be granted with the approval of the employee's hiring authority, and the HR.

E. Interim Employees

Employees hired to fill a position vacancy during the formal search process for that vacancy are designated as Interim Employees. Interim employment will not exceed the duration of the search process and shall end with the employment of the successful candidate. Employees who accept a transfer to an interim position will ordinarily have the right to return to their former position and salary upon completion of the search. Any vacancy created by the internal transfer of an employee to an interim position, may also be filled by an interim employee.

F. Acting Employees

Employees hired to fill a position vacancy during which there is no formal search process planned are designated as Acting Employees. Employees who accept a transfer to an acting position will ordinarily have the right to return to their former position and salary upon completion of the assignment. Any vacancy created by the internal transfer of an employee to an acting position, may also be filled by an acting employee.

G. On-Call or Casual Employee

An on-call or casual employee is employed engaged on an intermittent basis to work special events, during peak work periods, to fill in for an absent employee, and in other similar circumstances. An on-call position may be renewed by submitting a Personnel Action Notice (PAN) and a justification memorandum approved by the employee's hiring authority and HR for approval.

H. Change from Temporary or On-Call to Regular Status

When a position is changed from temporary or on-call status to regular or term appointment, the position is considered to be a new position and should be treated in accordance with the Hiring, Search Committee Policy # 4.103. The incumbent of the temporary or on-call position may be considered along with other applicants for the regular position.

IV. AU Employee Classification by Responsibility

A. Administrative Employees

Administrative Employees are those employees whose primary duty is to manage the university, a department or subdivision thereof. Administrative employees typically manage the budget for their division or sub division, and supervise the work of others. Because of the level of substantial business judgment and discretion required in such positions in order to ensure the success of their division, these employees are ordinarily exempt under the FLSA.

B. Administrative Associates

Administrative associates are those employees engaged in the management and general business operations of the university under the direction of an Administrative Employee. Administrative associates are required to exercise substantial business judgment and discretion and work independently. Because of the level of judgment and discretion required in such positions, these employees are ordinarily exempt under the FLSA.

C. Hourly Staff

Hourly Staff are those hired to perform services to support faculty and administrative employees of the university. These positions normally require duties of a routine or clerical nature in which minimal independent judgment is required to be exercised. As established by the Fair Labor Standards Act, these individuals are considered non-exempt and are covered by the overtime provisions and receive compensation on the biweekly payroll.

D. Union Staff

Union staff includes those employees whose terms and conditions of employment are covered by a collective bargaining agreement with a union. Many aspects of employment and pay practices will be governed by the collective bargaining agreement which must be approved in accordance with the authority delegated by the university Board of Governors. Union staff are all non-exempt positions under the FLSA.

E. Student Workers

Student workers are those employees who are registered students of the university, and whose wages are funded by institutional funds and retained to provide support services. They are non-exempt employees and are to be paid on the student biweekly payroll. Refer to the Student Employment Policy # 4.209.

F. FWSP or Work Study Students

FWSP employees are those employees who are registered students of the university employed under the Federal Work Study Program. All FWSP participants are to be paid on the student biweekly payroll and must be approved by the Campus Financial Aid Office prior to issuance of initial payment. Maximum earning limits apply to these positions and FWSP students are not eligible for certain employee benefits. Refer to the Student Employment Policy # 4.209.

G. Volunteers

Volunteers are non-employees who are engaged to provide services to the university without compensation or benefits. Refer to the Volunteers Policy #4.207 for a description of the limitations on volunteers.

H. Independent Contractors and Consultants

Independent contractors and consultants are non-employees who are engaged to provide services to the University under a fee-based schedule and are not eligible for benefits. Refer to the Hiring Independent Contractors Policy # 3.429.

Policy Cross References

Faculty Classifications (Academic Policy)	Policy # 5.301
Hours of Work and Attendance	Policy # 4.401
Hiring and Search Committee	Policy # 4.103
Benefits Eligibility	Policy # 4.701
Termination of Employment	Policy # 4.223
Student Employment	Policy # 4.209
Volunteers	Policy # 4.207
Hiring Independent Contractors	Policy # 3.429