

**SYSTEM OF HIGHER EDUCATION
PROCEDURES AND GUIDELINES MANUAL**

CHAPTER 19

TEMPORARY HOURLY APPOINTMENTS

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Section 1. Temporary Hourly Appointments

Temporary hourly positions are at will appointments intended to meet short-term, temporary needs of an employer. Appointments may be established for up to a 12-month period, limited to the fiscal year July 1-June 30, not to exceed 1,039 hours except under the conditions specified in this Chapter. Temporary hourly appointments are part-time with variable hours.

(Added 6/16)

Section 2. Temporary Hourly Employment

1. Compensation

- a. Hourly wage: The hourly wage must adhere to the pay schedule and titles provided.
- b. Overtime: Overtime is earned at a rate 1.5 times the hourly wage for time worked over 40 hours per work week. Overtime must be requested and approved in advance and should be incurred sparingly.
- c. Holidays: Ineligible for paid holidays or additional pay for time worked on holidays.
- d. Payroll: Semi-monthly.

2. Meal and Rest Periods

- a. Meal Period: A 30 minute unpaid meal break must be provided for any shift of six or more hours. The meal break should be taken in the middle of the work shift.
- b. Rest Periods: Employees must be afforded 15 minute paid rest periods for each four hour period of work to be taken in the middle of the work period.

3. Benefits

- a. Leave: Temporary hourly employees are ineligible to accrue leave.
- b. Retirement:
 - i. Temporary hourly employees contribute to the FICA Alternative Retirement Plan (FARP).
 - ii. If a temporary hourly appointment exceeds 1,039 hours both the employee and employer are subject to retroactive retirement contributions to the Public Employees Retirement System (PERS). All hours worked up to 40 hours per work week are included in determining PERS eligibility; hours worked over 40 per work week are excluded.
- c. Medical Benefits: NSHE adheres to the requirements of the Affordable Care Act (ACA). Temporary hourly employees are considered part-time variable hour employees. Hours will be measured during the first 10 months of employment to determine eligibility for medical benefits for the following 10 months, also known as stability period. The employee will be eligible for benefits during the stability period if they work at least 1,300 hours over the 10-month measurement period.
- d. Breaks in service between temporary hourly and appointments to other employee types are not required.
 - i. Time worked in a temporary hourly position does not count toward seniority or leave accruals.
 - ii. Pay earned as a temporary hourly will not be considered to determine base pay for a different employee type.

- iii. Time spent in a temporary hourly appointment counts toward PERS eligibility if a temporary hourly employee is hired into an intermittent classified appointment with similar duties. In all other cases, PERS contributions begin on the first day of the classified appointment.

(Added 6/16; A. 12/16)

Section 3. At Will Employment

Temporary hourly employment is at will. Either party may terminate the employment relationship without cause or notice for lawful reasons.

(Added 6/16)

Section 4. Temporary Hourly Titles and Description

1. Temporary, Business – Temporary, business positions perform specialty business functions such as accounting, purchasing, human resources, graphic design, publications editing, museum curation, etc.
2. Temporary, Clerical – Temporary, clerical positions perform traditional clerical support duties for a department or executive. Duties may include, but are not limited to, reception, executive assistance, student registration, account reconciliation and basic budgeting, data entry, generation of correspondence and mailings, filing, library circulation, library shelving, book retrieval, etc.
3. Temporary, Education – Temporary, education positions perform educational services to audiences outside of the traditional higher education environment such as a community educational program or pre-school setting.
4. Temporary, Events – Temporary, events positions support all aspects of events and productions at University Events Centers which do not require a background check. Positions may support guest services, ticketing, housekeeping, or production.
5. Temporary, Events 2 – Temporary, events 2 positions perform specialty services for a University Events Center requiring higher compensation than typical event support positions (ex. performers).
6. Temporary, Events Background Check – Temporary, events positions support all aspects of events and productions at University Events Centers for which ensuring public safety requires a background check. Positions are most commonly associated with stage development or other production activities such as lighting and rigging.
7. Temporary, Intern – Temporary, intern positions exist for enrolled college students seeking hands-on work experience in their field of study.
8. Temporary, Interpreter – Temporary, interpreter positions perform language interpretation services on behalf of students, faculty or staff, in support of the learning and employment experience.

9. Temporary, Maintenance – Temporary, maintenance positions maintain NSHE buildings, grounds, and equipment, including maintenance support for events.
 10. Temporary, Skilled Craft – Temporary, craft positions perform journey level skilled trades.
 11. Temporary, Research – Temporary, research positions are either directly involved in performing scientific research or supporting scientific research activities (e.g., maintaining a lab or maintaining research equipment). Positions may be assigned within a laboratory, field environment, or survey/statistical center.
 12. Temporary, Safety – Temporary, safety positions are responsible for ensuring the safety of the campus or general community 24/7, including ensuring safety for events. Examples include, but are not limited to, life guards, security guards, and reserve police officers.
 13. Temporary, Service – Temporary, service positions perform direct services to campus students, faculty and staff or program customers. Examples include, but are not limited to, shuttle services, food services, textbook or retail sales in support of academics, etc.
 14. Temporary, Tutor – Temporary, tutor positions provide direct services to students requiring academic support. Positions may provide tutoring service in a particular subject matter, proctor exams, take notes in classes, provide reading services, etc.
- (Added 6/16)

Section 5. Overtime Eligible Administrative Faculty

- 1 Fair Labor Standards Act and Definition of Work
 - a. Overtime Eligible Administrative Faculty hold positions that do not meet the minimum salary threshold and/or the duties tests as required under the Fair Labor Standards Act in order to be classified as exempt.
 - b. Employees must receive pay for all time during which an employee is required to be on the employer's premises or performing work activities. All time controlled or required by the supervisor and pursued necessarily and primarily for the benefit of the employer must be counted as work time. When an employee is required, either by law or rules of the employer, or as an integral part of the performance of the individual's work, to wash up and/or change clothing on the institution's premises before or after working, the time spent changing and/or washing is work time. Attendance at lectures, meetings, training programs and similar activities need not be counted as hours worked if all of the following four criteria are met, namely: it is outside normal hours, it is voluntary, not job related, and no other work is concurrently performed. All time worked without authorization must also be counted as work time.
 - c. Work activities include, but are not limited to, performing the principle assignment, paid breaks, on-call, donning and doffing equipment, required trainings, work required travel (other than home to work travel), telephone conversations, responding to e-mail, texting for work purposes, etc.

2. Overtime

- a. Employees are eligible for overtime compensation when the employee works an excess of 40 hours in a workweek. Overtime must be approved by the employee's supervisor in advance.
- b. Employees who work overtime without authorization are subject to disciplinary action.
- c. The "workweek" is a calendar week, running from 12:01 a.m. Sunday to 12:00 p.m. Saturday.
- d. Annual leave, sick leave, use of compensatory time and paid holidays are not counted toward time worked for overtime calculation purposes.
- e. Departments are encouraged to use flexible schedules to limit overtime costs and demands upon employees.
- f. In order to ensure a proper work and personal life balance and to protect employees from excessive work schedules and to limit an employer's cost liabilities, overtime must be kept to a minimum.

3. On-Call Work

- a. On-Call – When employees are required to restrict their whereabouts and activities in order to be available for return to work to meet emergencies, they shall receive "on-call" compensation at the rate of 5% of their regular hourly rate for every hour they are on-call. Employees are considered on-call if they are directed to remain available for notification to work during specified hours that are outside their customary work schedule and if they must be able to report to work within a reasonable time specified by the department to perform on-call duty. Use of cellular phones, beepers, pagers, or other means of remaining available for contact, which do not require any restriction on an employee's whereabouts or activities, are not compensable as "on-call" time.
- b. Time spent engaging in work when responding to a "call" is considered time worked and as appropriate should be included for overtime calculation purposes.

4. Accrual and Use of Annual Leave, Sick Leave and Compensatory Time

- a. Annual and sick leave is earned and taken on an hourly basis (not full-day and half-day increments). For employees, annual and sick leave is accrued at the rate of 16 hours per month (pro-rated by Full Time Equivalent for part-time employees).
- b. Employees are eligible to earn compensatory time at a rate of time and one-half in lieu of cash payment for overtime worked.
 - i. Compensatory time off must be requested and approved in advance by the faculty member. A supervisor may direct a faculty member to use accrued compensatory time.
 - ii. Compensatory time off shall be used within six months of the date earned (unless otherwise approved by the supervisor) and must be exhausted prior to annual leave unless annual leave forfeiture exists at the end of the fiscal year.
 - iii. While on FMLA leave, if annual, sick and compensatory time is available, the order of use of leave is sick, compensatory, and then annual.

- iv. Employees may not carry a balance of more than 120 hours of compensatory time at any time, including between fiscal years.
- v. Managers may choose to pay cash in lieu of compensatory time.
- vi. Employees may request cash payment in lieu of compensatory time.

5. Time Tracking

- a. Employees must establish a record showing their schedule of daily and weekly hours or input their time worked in a time tracking system
- b. The schedule is in effect until a new schedule is established.
- c. It is assumed the stated schedule is followed each week, unless overtime is requested in advance by the employee and approved by the supervisor.
- d. The record of the employee's schedule should be maintained (electronically or on paper) in the department's personnel files.
- e. Any annual or sick leave taken must be recorded, through a leave request, as an exception to the regular schedule.
- f. Employees must request a compensatory time credit via the method established by the institution.

6. Travel Time

- a. Employees who are otherwise entitled to pay for overtime may earn overtime for traveling if the actual work time and travel time exceed 40 hours in a workweek.
- b. Travel time begins when the employee leaves their workstation, or home if authorized, and continues until the employee reaches the geographical location for the work assignment.

7. Breaks and Meal Periods

- a. Meal Period: An unpaid meal break of at least 30 minutes must be taken for any shift that exceeds six hours. The meal break should be taken in the middle of the work shift.
- b. Rest Periods: A 15 minute paid rest period must be provided for each four hour period of work, to be taken in the middle of the four hour work period.
- c. An employee must be relieved of all work activities during meal and rest periods.

(Added 12/16)