

March 2014

3.1 Employee Status Definitions

Saint Mary's College of California

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Recommended Citation

Saint Mary's College of California (2014) "3.1 Employee Status Definitions," *Staff Handbook*: Vol. 2014 , Article 34.
Available at: <http://digitalcommons.stmarys-ca.edu/staff-handbook/vol2014/iss1/34>

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3.1 Employee Status Definitions

3.1.1 Full-time

Any employee scheduled to regularly work 1,950 hours per year or more. Example:

- Employees working 37.5 hours per week for 12 months per year, or employees working 40 hours per week for 12 months per year

3.1.2 Part-time

Any employee scheduled to regularly work fewer than 1,950 hours per year. Example:

- Employees working 37.5 hours per week for 10 months per year (1,625 hours per year)
- Employees working 40 hours per week for 11 months per year (1,907 hours per year)

3.1.3 Employees Working Fewer than Twelve Months per Year

Schedules for staff working fewer than 12 months per year are intended for those student-related positions not needed a month or more during the summer when undergraduate classes are not in session; examples: Health and Wellness, Counseling Center and other area positions.

Authorization to work fewer than 12 months a year must be approved by the dean or director and the area Vice President or Vice Provost and the Assistant Vice President of Human Resources or designee. This change needs to be formally submitted to Human Resources so a letter can be prepared for the employee that outlines the requirements and benefits changes that occur with this change of status. For example, the employee and supervisor need to designate the month(s) the employee will not be working. Normally those with reduced schedules are paid their less-than-fulltime salary over 12 months.

Those working less than twelve months who terminate mid-year will have their final pay calculated based on the weeks/hours worked from a fiscal year versus paid time basis. The calculation will be prepared at the time of termination by Payroll as verified by HR. Any hours overpaid by the College will be the employee's responsibility to be paid at the time of termination and can be deducted from any hours owed for accrued vacation. In other words at the point of termination the College will have paid the employee all hours due and can deduct any hours due to Saint Mary's if applicable.

3.1.4 Employee vs. Independent Contractor

Employees are on the College payroll, are subject to withholding and may be eligible for applicable College benefits. An independent contractor or outside consultant is not a College employee, is self-employed, and is not eligible for any College benefits. Status determinations are made only by Human Resources.

3.1.5 Regular

Any employee who is employed at-will for an indefinite time period or has a contract for a specified period of time.

3.1.6 Temporary/Limited

A “temporary” or “limited” employee is any employee hired for a limited period of time, during which the employee is expected to be on pay status for less than 1040 hours in a 12-month period. Temporary/Limited employees are not eligible for College benefits other than those required by law (e.g. unemployment, workers’ compensation, State disability), except that when the employee has attained 1,040 hours but fewer than 1,950 hours in a consecutive 12-month period without a break in service of at least 120 consecutive calendar days, the employee is eligible for prorated holidays, vacation and sick leave based on the employee’s “Full-time Equivalent” (FTE).

3.1.7 Contract

A contract position is an position established at a fixed or variable percentage of time for a definite period. Terms and conditions of employment are specified in a written employment contract.

3.1.8 On-Call

A pool of temporary employees maintained by Human Resources to provide support services for short- and long-term assignments, e.g., during regular employees’ vacations or medical leaves, or special projects. On-call employees are not eligible for College benefits other than those required by law (e.g. unemployment, workers’ compensation, State disability).

3.1.9 Student

A student position is a position which is reserved for a regular student of Saint Mary’s College. Such a position retains the designation of student regardless of the percent of full-time or the duration of the position.

3.1.10 Exempt vs. Non-exempt

Federal and state wage and hour laws inform whether employees are classified as exempt or non-exempt on the basis of the employee’s current job duties, and for part time exempt positions,

earnings per month. Determination of exempt or non-exempt status, as informed by applicable laws, is made by Human Resources.

- ***Non-Exempt*** – Non-exempt employees are in positions that do not meet the FLSA tests for exemption from overtime, or other employee categories such as those earning less than two times the California state minimum wage (currently \$2,733.33 per month for a 40-hour week), regardless of the FLSA classification.
 - Full-time non-exempt employees are expected to work either 7.5 or 8 hours per day, and 37.5 or 40 hours per week, as assigned.
 - Non-exempt employees must report actual hours worked, must account for all time off, and are eligible for pre-approved overtime pay based on actual hours worked in a day or week.
 - Non-exempt employees are not eligible for compensatory time.
 - Non-exempt employees are expected/required to take two 15 minute paid breaks and ½ hour unpaid lunch period during their scheduled day.
 - Non-exempt employees may not make up time. Make up time is defined as taking time off in a week and making it up within the same week.
- ***Exempt*** – Exempt employees include those employees who earn a minimum of \$2,733.33 per month (or two times minimum wage for a 40-hour week), are salaried, and have executive, managerial, professional or administrative responsibilities that meet Fair Labor Standards (FLSA) tests.
 - Exempt employees are not eligible for overtime pay, compensatory time, or specific meal periods and rest periods.
 - Exempt employees' work week usually consists of *at least* 40 hours per week; exempt employees are expected to work until their responsibilities have been completed.