

USM Bylaws, Policies and Procedures of the Board of Regents

USM HR Policy Review Sheet

Policy Number: Change Number from VII – P1.00 to VII - 9.30

New Policy Title:

Old Policy Title: Policy on Establishment and Assignment of Staff Job Groups and Employment Status Groups

1. Policy Application: Nonexempt Staff Exempt Staff Faculty Contingent Staff
 All Other: _____

2. Proposed Revisions

Terminology outdated

Re-Formatting

Title Change

Obsolete provisions deleted

Merge with other policy: _____

Clarifications: _____

Transfer to another policy or chapter: _____

Updates to reflect changes in law: federal Affordable Care Act (ACA) and state benefit requirements.

Incorporate USM-wide existing practice into policy

Incorporated Pre-USM Policy:

Fills gap in policy:

Added definitions

Other revisions: Change policy number

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DRAFT 8-26-2014

VII - P1.00 – POLICY ON ESTABLISHMENT AND ASSIGNMENT OF STAFF JOB GROUPS AND EMPLOYMENT STATUS GROUPS

(Approved by the USM Board of Regents, June 9, 1995 and effective July 1, 1996; Technical Amendment approved by the Chancellor June 15, 2001; Revised by the USM Board of Regents, September 9, 2005; Amended 2015)

I. PURPOSE AND APPLICABILITY

This policy establishes the job groups of “Nonexempt” and “Exempt” for Staff employees based upon the application of the Fair Labor Standards Act, Title 29 United States Code (FLSA 29 U.S.C.) for all USM staff positions and job classes. This policy does not apply to Faculty employees.

II. USM STAFF JOB GROUPS

A. Based upon the legally mandated distinctions contained in the Fair Labor Standards Act (FLSA 29 U.S.C.), the USM job evaluation and pay programs shall be comprised of two Staff job group designations.

1. Nonexempt - ~~Maintenance, Office, Service, Technical and Para-professional Staff.~~
- ~~1.~~ 2. Exempt --~~a.) CEOs—Chancellor and Presidents~~
~~b.) Officers—Vice Chancellors, Vice Presidents, Provosts, and Deans performing an administrative function~~
~~c.) Managers, Administrators, and Professional Staff~~

B. Assignments to job groups shall be made in accordance with the Fair Labor Standards Act (FLSA 29 U.S.C.) Department of Labor official ~~tests for Nonexempt and Exempt group designations~~ definitions and standards for designating positions as exempt or nonexempt.

C. The designations of Nonexempt and Exempt are used to address Staff employee policies contained specifically in Section VII of this USM-BOR policy manual.

D. Faculty – This policy does not apply to Faculty employees or jobs. Even though Faculty jobs are considered to be *exempt from overtime pay* under the FLSA regulations, the job groupings designated in this policy do not apply to Faculty. A USM employee holding a Tenured or Tenured Track Faculty Rank and working on

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a concurrent administrative appointment shall not be considered a Staff employee, serves at the pleasure of the ~~President~~CEO and remains subject to USM policies applicable to faculty. Faculty employees are covered by policies in Section II of this USM-BOR policy manual. See USM-BOR II-1.00 Policy on Appointment, Rank and Tenure of Faculty, and USM-BOR II-1.03 Policy on Concurrent Faculty and Administrative Appointments.

III. JOB SUBGROUPS

The Chancellor or designee shall develop subgroups for Nonexempt and Exempt job groups when necessary and appropriate.

IV. EMPLOYMENT STATUS GROUPS

USM Staff employees may be appointed to a Regular Status or a Contingent Status position.

- A. Regular Status – Any position that is established as a line item and appears in the personnel detail of an institution’s budget. Employees on Regular Status are eligible for all benefits offered by the USM, based on percentage of time worked.
- B. Contingent Status – Any position established through a written agreement between the USM and a person, who shall provide personal services to an institution for pay and for a specific period of time. Employees on Contingent Status shall not be eligible for retirement plans offered through the USM. See USM-BOR VII-1.40-Policy on Contingent Status Employment for further information.
 1. Contingent Category I –Not eligible for other USM benefits unless otherwise mandated by federal or state statute or rules and regulations.
 2. Contingent Category II –Eligible for USM benefits as defined in the USM-BOR VII-1.40-Policy on Contingent Employment or as otherwise mandated by federal or state statute or rules and regulations.

V. DESIGNATION OF FULL-TIME AND PART-TIME EMPLOYMENT

Designation of *full-time* and *part-time* employment may be used for both Regular Status and Contingent Status Staff positions.

- A. Full-time employment – The position is designated as 100% Full Time Equivalent (FTE) and the employee is scheduled to a 40 hour workweek.

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~~B.~~B. Part-time employment – The position is designated as less than 100% FTE and the employee is scheduled to work less than a 40 hour workweek. Employees in this group must work at least 50% FTE in order to be eligible for USM benefits.

~~Benefits are prorated based on percentage of time worked.~~

1. Such employees in Regular Status positions shall be eligible to participate fully in State of Maryland health benefits as provided by the State.

2. Such employees in Contingent Status positions shall receive State of Maryland health benefits as required by the Patient Protection and Affordable Care Act (PPACA).

3. All other benefits shall be prorated based on percentage of time worked.

VI. OVERSEAS EMPLOYMENT STATUS GROUPS FOR UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE (UMUC).

A. The President of UMUC is authorized to:

1. Create Overseas Employment Status Groups, distinct from those otherwise established in this policy, to govern the employment of employees in UMUC operations outside of the United States; and
2. Create and maintain human resources policies, procedures and guidelines establishing the terms and conditions of employment for its Overseas Employment Status Groups.

B. UMUC shall submit all policies established for its Overseas Employment Status Groups to the Chancellor for approval.

IMPLEMENTATION PROCEDURES:

Each President shall identify his/her designee(s) as appropriate for this policy, develop procedures as necessary to implement this policy, communicate this policy and applicable procedures to his/her institutional community, and post it on its Institutional website.

~~Each Chief Executive Officer shall identify his/her designee(s) as appropriate for this policy; shall develop procedures as necessary to implement this policy; shall communicate this policy and applicable procedures to his/her institutional community; and shall forward a copy of such designations and procedures to the Chancellor.~~

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REPLACEMENT FOR:

~~The following policies, as they apply to Nonexempt employees of the USM, are replaced effective July 1, 1996. Additionally, these policies, as they apply to Exempt employees are replaced effective January 1, 2000.~~

- ~~— UM Personnel Policies and Rules for Associate Staff, Positions and Appointments, Paragraph A. Establishment of Positions, page 1; Employment Standards for Associate Staff, Paragraph A. Compensation of Associate Staff, page 5.~~
- ~~— UM Personnel Policies and Rules for Classified Employees, Section IV, Classification, Overtime, Paragraphs 3. Group I, 4. Group II, and 5., pages V-3, V-4; Group I Listing, page V-7; Section II. Classified Employment, Appointments, Paragraph 1. Regular, page II-12.~~
- ~~— Laws Relating to and Governing Policies and Procedures of the BTSUC, Section VI, Administrative Officers—Paragraph A. Definition, page VI-1; Section IX, Professional Librarians—Paragraphs A. Definition of Professional Librarians; B. Director and Associate Director of Library, page IX-1; F. Definition of Library Technician, page IX-3.~~
- ~~— UM BOR Policies and Procedures Manual, III-2.11 Presidential Classification on Appointments for Computing Center Directors, page III-2.11-1; III-2.19 If and When Needed Appointments, page III-2.19-1 and 2.~~
- ~~— Bylaws, Policies and Procedures of the BOR-UMS, VII-1.00, Interim University System Policy on the Appointment and Employment of Administrative and Classified Personnel, Sections I.B.2., page VII-1.00-1; I.B.3., page VII-1.00-2.~~
- ~~— Additionally, this policy supersedes, in whole or in part, any policy(ies) and/or procedure(s) established by the Regents, Trustees, Presidents, or their designees, of the former institutions of the University of Maryland, and of the former State Universities and Colleges, and of the Regents of the University of Maryland System that are in conflict with this policy's purpose, applicability, or intent, that may have been overlooked and not included as a specific citation under "Replacement for."~~