

40-2 Employee Classification
40-2-1 Purpose • 40-2-2 Policy

1. **Purpose.** The purpose of this policy is to describe the various classifications of positions of Eastern New Mexico University System (the System) staff in terms of employment designation (exempt or nonexempt) and employee definition (full-time, part-time, term appointment, contract, temporary and on-call). This policy addresses staff only, not faculty.
2. **Policy.** The System employee classification policies are as follows:
 - A. Fair Labor Standards Act. The System describes its employees pursuant to the Fair Labor Standards Act (FLSA), as amended, which classifies employee positions as "exempt" or "nonexempt."
 - (1) The classification of a position determines how employees may be paid, among other things, for hours worked in excess of forty (40) hours per week and whether or not he or she is subject to the minimum wage and overtime provisions of the FLSA.
 - (2) The Office of Human Resources determines whether positions shall be exempt or nonexempt.
 - a. Exempt Employees. Exempt employees are salaried employees and are exempt from the minimum wage and overtime provisions of the FLSA. Exempt employees include such positions as directors, managers and some professional staff.
 - b. Nonexempt Employees. Nonexempt employees are employees who normally are paid on an hourly basis and are subject to the minimum wage and overtime provisions of the FLSA. Nonexempt staff employees are paid based on hours worked as reported on a time sheet. They are entitled to premium compensation for overtime work. Nonexempt employee positions include such positions as secretarial, clerical, maintenance, and professional non-exempt staff.
Note: Non-exempt employees ordinarily will be paid on an hourly basis. However, the method of compensation (hourly vs. salaried) is not necessarily determinative of a particular employee's status as exempt or non-exempt. Under applicable federal regulations, an employee's job duties and the weekly rate of compensation determine the employee's status as exempt or non-exempt.
 - B. Employee Appointment Status Distinction.
 - (1) Regular Full-Time Employees. A regular full-time employee is hired for an indefinite period and is normally scheduled to work forty (40) hours per week. Appointment is continuous, subject to satisfactory performance and availability of funding.
 - (2) Regular Part-Time Employees. A regular part-time employee is hired for an indefinite period and is scheduled to work fewer than forty (40) hours per week. Employees in this category are classified either as three-quarter (3/4) time, normally scheduled to work thirty to thirty-nine (30–39) hours per week; half (1/2) time, normally scheduled to work twenty to twenty-nine (20–29) hours per week or less than half (1/2) time, normally scheduled to work one to nineteen (1–19) hours per week. Appointment is continuous, subject to satisfactory performance and availability of funding.

- (3) Externally Funded Employees. An externally funded employee is hired (full-time or part-time) into a position that is designated to run for a specified period. 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. Externally funded employees are normally hired for periods exceeding nine (9) months and lapsing prior to the date of discontinuance of the external funding.
- a. Term appointment employees are normally separated from the System as of a specified date unless the Human Resources office notifies the employee that the appointment shall be extended.
 - b. For the specified period of appointment, term employees are entitled to the same rights and privileges as regular status employees except the right to grieve separation at the end of the appointment.
 - c. Term appointment employees are not placed on layoff status at the end of the appointment.
- (4) At-will Employees. At-will employees are hired into certain senior and other positions designated by the president of the branch community college or the System chancellor. Employment is at-will and either party can terminate the employment relationship at any time with or without cause and with or without notice.
- a. Term of Contract. At-will employee contracts are normally written for terms of one (1) year, are subject to renewal each year, and are still subject to at-will status. An at-will employee has no reasonable expectation of employment for the full term of his/her contract. The System may unilaterally terminate the employment of an at-will employee at any time for any reason or no reason prior to expiration of the term of the employee's contract.
 - b. Benefits. Except for the System's right not to renew or to terminate such contracts and except for matters specifically set forth in such contracts (including duties and salary), the benefits, terms and conditions of employment of at-will employees ordinarily will be consistent with policies and procedures relating to other System personnel with comparable positions and duties.
- (5) Temporary Employees. Temporary employees are hired to work reasonably predictable schedules, full-time or part-time, that ordinarily will not exceed nine (9) months. Temporary positions are normally not renewable; however, extensions may be granted with approval of the employee's dean, director or department head and the director of Human Resources. Temporary employees are also subject to the employment at-will status in which either party can terminate the employment relationship at any time with or without cause and with or without notice. In the event that the duration of a temporary employee's employment exceeds nine months, his or her status as a temporary, at-will employee will not change.
- (6) Occasional Employees. Individuals employed to work special events on an intermittent, sporadic basis, to work during peak work periods, to fill in for absent employees and in other similar circumstances shall be classified as "occasional" employees. Occasional employee positions may be renewed by submitting a Personnel Action Notice (PAN) to the appropriate Office of Human Resources for approval. Occasional employees are also subject to the

employment at-will status in which either party can terminate the employment relationship at any time with or without cause and with or without notice.

- (7) Student Employees. Students who are employed on campus under programs including but not limited to federal work study, state work study, student hire, graduate assistants, etc. are considered student employees. Student employees must be enrolled in six credit hours in order to be eligible for student employment, unless an exception is granted by the area executive administrator. Student employees are limited to working 20 hours per week while school is in session. Student employees are also subject to at-will employment status in which either party can terminate the employment relationship at any time with or without cause and with or without notice.

C. Employees Holding Multiple Positions. An employee working two (2) regular part-time positions totaling forty (40) hours per week shall be considered a regular full-time employee.

- (1) If the total number of hours regularly worked is lower than forty (40), the employee shall be considered a regular part-time employee.
- (2) An employee working a regular part-time and a temporary or occasional position shall be considered a regular part-time employee.
- (3) If employed in two (2) positions, one (1) exempt and one (1) nonexempt, the employee shall be considered nonexempt.

D. Eligibility for Benefits.

- (1) Eligible Positions. Regular, term appointments and at-will employees scheduled to work twenty (20) or more hours per week are eligible to receive all System sponsored and government-mandated benefits. Temporary employees working 20 or more hours per week will be offered insurance benefits, workers compensation, and retirement contributions when applicable.
- (2) Ineligible Positions. Part-time employees scheduled to work fewer than twenty (20) hours per week, student employees, and occasional employees are ineligible for benefits except for Worker's compensation. Temporary employees are not eligible for vacation or sick leave.

E. Change from Temporary or Occasional to Regular Status. When a position is changed from temporary or occasional status to regular, term appointment or at-will status, the position is considered a new position and should be treated as such. The incumbent of the temporary or occasional position may be considered for employment for the new, regular position along with other applicants. In such cases, the probationary period applicable to the new position will begin to run anew from the date of the change in status.

F. Exceptions: Any deviation from this policy will be on a case-by-case basis and must be approved by the System chancellor or branch community college president in writing.

Approved by the Board of Regents on December 16, 2005.

Amendments approved by the Board of Regents on November 11, 2016.

Amendments approved by Board of Regents on December 14, 2018.