Policy 5-001: Employee Definitions

I. Purpose and Scope

To define and clarify terminology used within all Human Resources Policies and related documents (Part 5 of Regulations Library). The definitions and terms in this policy replace and override all other University Regulations language related to the term “Employee” and all related definitions, terms, and variations, unless otherwise specifically provided in a particular Regulation.

II. Definitions

A. Employee Categories defined:

1. Employee - An individual who meets both of the following qualifications:

   a. receives compensation for work or services in which the University has the right (whether or not it exercises the right) to supervise and control the manner of performance as well as the result of the work or service and

   b. receives compensation which has been appropriated from funds controlled by the University regardless of the source of the funds, the duties of the position, the amount of compensation paid, or the percent of time worked.

2. Administrative Officers – Comprising the University President, Vice Presidents, Deans, Other General Administrative Officers, Department Chairpersons, and Library Directors, as defined by Policy 2-005. For purposes of Human Resources Policies, the term Administrative Officers also includes other administrative officers not appointed with the approval of the Board of Trustees.

3. Faculty or Faculty Member– An individual who is a member of the University Faculty in any of the categories of Tenure-line Faculty (Tenured or Tenure-
track), Career-line Faculty (Clinical, Lecturer, or Research), or Adjunct, Visiting or Emeritus Faculty), as defined in Policy 6-300.

4. Non-faculty Academic Employees - An employee (as defined in this Policy) in any of the categories of Academic Staff, Educational Trainees, Postdoctoral Fellows, or and Medical Housestaff, as defined by Policy 6-309.

5. Staff or Staff Member – An employee employed and paid through the University of Utah in a position which is not included in the category of Faculty, Non-Faculty Academic Employee or Administrative Officer, as defined in this Policy.

B. At-will Employment – As defined by the Utah Labor Commission.

C. Benefits-eligible Position – A position in which the employee is eligible to enroll in University benefits. See Policy 5-308, Benefits Eligibility Chart, for eligibility based on benefit plan, position and FTE percentage.

D. FTE or Full-time Equivalent Percentage– The percentage of workload of a position relative to the normal and expected working time and effort for a full-time equivalent position. For employees other than faculty members (as defined in this Policy), this is based on a normal full-time work week of 40 hours per week.

E. Full-time or Full-time Position - A position in which the Employee is expected to consistently work 75 percent or a greater percentage (.75 FTE or greater) of the normal and expected working time and effort. For employees other than faculty members (as defined in this Policy), this equates to 30 or more hours per week of a 40-hour work week.

F. Hourly or Non-exempt Position – A position paid based on number of hours worked. Employees in these positions are eligible for overtime pay in accordance with the Fair Labor Standards Act (“FLSA”); classified non-exempt from the overtime provisions of the FLSA.
G. Part-time or Part-time Position - A position in which the Employee is expected to consistently work 74 percent or less of full-time equivalent (.74 FTE or less). For employees other than faculty member (as defined in this Policy), this equates to less than thirty (30) hours per week.

H. Per Diem/or Pro Re Nata("PRN") – Position: A position which

1. Is paid based on number of hours worked and classified as Non-exempt;
2. in which the Employee may work Full-Time or Part-Time (1.0 to .01 FTE);
3. is not Benefits-eligible;
4. is classified as At-will Employment; and
5. has no maximum duration.

I. Probationary Period for a Staff Member – The initial time period for a newly hired Staff Member in a Benefits-eligible position, during which the employee is considered to have At-will Employment status. The duration of this period is ordinarily six months. Extensions must be processed through Human Resources.

J. Salaried or Exempt Position – A position paid based on an annual rate of compensation; classified as exempt from the overtime provisions of the FLSA.

K. Temporary – A position which:

1. Is classified as Non-exempt or Exempt;
2. in which the Employee may work Full-time or Part-time (1.0 to .01 FTE);
3. is not Benefits- eligible;
4. is classified as At-will Employment; and
5. is not expected to exceed nine (9) months.
L. Time and/or Fund Limited: an employee position which are:

1. Is classified as Non-exempt or Exempt;

2. in which the Employee may work Full-time or Part-time (1.0 to .01 FTE);

3. may be eligible for University benefits if the position meets the requirements to be Benefits-eligible;

4. is filled through competitive recruitment procedures (or Waiver) as described in Policy 5-102; and

5. has a projected duration specified in the job posting and/or offer letter.

III. Rule

The definitions stated in Part II of this Policy are hereby made the official definitions of those defined terms for purposes of University Regulations and practices regarding University employees and the University's Human Resources function.

[Note: Parts IV-VII of this Regulation (and all other University Regulations) are Regulations Resource Information – the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per Policy 1-001 and Rule 1-001.]

IV. Rules, Procedures, Guidelines, Forms and other Related Resources

A. Rules

   Rule 5-001A: Personnel Categories from Previous Versions of Policy 5-001

B. Procedures

C. Guidelines
D. Other related resource materials

Fair Labor Standards Act (FLSA)

Utah Labor Commission

V. References

A. Policy 2-005: Officers of the University

B. Policy 5-102: Staff Employment Policy

C. Policy 5-308: Benefits Eligibility Chart

D. Policy 6-300: The University Faculty-Categories and Ranks

E. Policy 6-309: Academic Staff, Educational Trainees, Postdoctoral Fellows and Medical Housestaff

VI. Contacts

The designated contact officials for this Policy are:

A. Policy Owner (primary contact person for questions and advice): Director of Employment Services

B. Policy Officers: Chief Human Resources Officer, and the Senior Vice-President for Health Sciences

These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provided in University Rule 1-001:

"A ‘Policy Officer’ will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases.... "

5
"The Policy Officer will identify an ‘Owner’ for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the Policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to whom the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... [and] bears the responsibility for determining -requirements of particular Policies... .” University Rule 1-001-III-B & E

VII. History

Renumbering: Renumbered as Policy 5-001 effective 9/15/2008, formerly known as PPM2-0.

A. Current Version: Revision 11

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Approved by Board of Trustees: October 14, 2014

Legislative History: Revision 11

B. Earlier Versions:

Revision 9: Effective dates: February 10, 2003 to October 10, 2011

Revision 8: Effective dates: May 17, 1999 to February 9, 2003