

**Policy 5-001: Employee Definitions**

Revision #11. Effective date: October 14, 2014

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**I. Purpose and Scope**

A. Purpose.

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.

B. Scope.

[reserved]

**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. Policy**

A. 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.

*Sections IV- VII are for user information and are not subject to the approval of the Academic Senate or the Board of Trustees. The Institutional Policy Committee, the Policy Owner, or the Policy Officer may update these sections at any time.*

#### **IV. Policies/ Rules, Procedures, Guidelines, Forms and other Related Resources**

- A. Policies/ Rules. [ *reserved* ]
- B. Procedures, Guidelines, and Forms. [ *reserved* ]
- C. Other Related Resources.
  - 1. Fair Labor Standards Act (FLSA)
  - 2. 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 Regulation are

- A. Policy Owner(s) (primary contact person for questions and advice): Director of Employment Services
- B. Policy Officer(s): Chief Human Resources Officer and Senior Vice President for Health Sciences

See Rule 1-001 for information about the roles and authority of policy owners and policy officers.

## VII. History

### Revision History.

#### A. Current version. Revision 11.

1. Approved by -- Academic Senate September 8, 2014, and Board of Trustees October 14, 2014 with effective date of October 14, 2014.
2. Legislative History
3. Editorial Revisions
  - a. Editorially revised January 18, 2023 to move to current regulations template

#### B. Previous versions.

1. Revision 10. Effective Date. October 11, 2011
2. Revision 9. Effective Date. February 10, 2003
3. Revision 8. Effective Date. May 17, 1999

#### C. Renumbering

1. Renumbered from Policy and Procedures Manual 2-0.