



# Idaho State University

## POLICIES AND PROCEDURES

### Categories of Employees

#### ISUPP 3050

#### *POLICY INFORMATION*

**Policy Section:** *Human Resources*

**Policy Title:** *Categories of Employees*

**Responsible Executive (RE):** *AVP of Human Resources*

**Sponsoring Organization (SO):** *Office of Human Resources*

**Dates: Effective Date:** *June 16, 2014 (12-5-16)*

**Revised:** *June 1, 2018*

**Review Date:** *June 2023*

## **I. INTRODUCTION**

In a large and complex organization, it is necessary for an institution to define various categories of employees and any related employment characteristics. This policy is intended to be a guide for colleges and departments as they employ individuals to work in various capacities so that the employee, supervisor, and management chain understand the nature of the employment relationship and any limitations that may come with each employee category.

## **II. DEFINITIONS**

### **A. Classified Employees**

“Classified employee” means any person appointed to or holding a position at Idaho State University whose position is subject to the provision of the merit examination, selection, retention, promotion, and dismissal requirements of the Idaho Division of Human Resources as provided under Chapter 53, Title 67, Idaho Code.

Appointments, employment status, personnel actions, and primary employment benefits concerning classified employees are conducted in accordance with the rules and

regulations established by the Idaho Division of Human Resources as maintained and available for review at [www.dhr.idaho.gov](http://www.dhr.idaho.gov), IDAPA 15.04.01.

1. Limited service classified positions are those positions expected to be of limited duration due to funding nature of the position or project and must be identified and designated in advance of recruitment and hiring. Limited Service positions may be subject to expedited layoff in accordance with the rules and regulations of the Idaho Division of Human Resources and related limited service agreements. See IDAPA 15.04.01 Rule 120.

## B. Non-classified Employees

“Non-classified employee” means any person appointed to or holding a non-classified position at Idaho State University pursuant to section 67-5303(j), Idaho Code, and thus is not subject to the provisions of Chapter 53, Title 67, Idaho Code. The classification of a position or employee as “non-classified” by Idaho State University pursuant to Idaho State Board of Education, (SBOE) Governing Policies and Procedures, which is not otherwise, “teaching staff,” constitutes institutional designation of such position or employee as an “officer”, or “Professional Staff” under section 67-5303(j), Idaho Code.

### 1. Non-Classified Officer or Professional Staff

The term non-classified Officer or Professional Staff includes the President, Vice Presidents, Deans, Directors, and other personnel in such positions at Idaho State University as may be designated by the President or his/her designee as non-classified in accordance with applicable sections of Idaho Code.

- a. Non-Classified staff positions typically meet the Fair Labor Standards Act (FLSA) requirements for exempt status as executive, administrative, or professional, contingent upon minimum FLSA salary requirements, but must meet state of Idaho Code requirements as an “officer” or “professional staff”, and are subject to the minimum salary requirements set under Idaho Code 67-5303(j).

### 2. Faculty, Coaches, and Resident Directors

These positions are typically designated as exempt in accordance with the Fair Labor Standards Act, (FLSA) and meet Idaho Code requirements as “teaching staff” in accordance with Idaho Code 67-5303(j).

- a. Faculty employees comprise a large and unique subset of Idaho State University’s non-classified employees. Thus, faculty employees are addressed specifically throughout ISU Policies and Procedures and related SBOE Governing Policies and Procedures. References to “institutional faculty” or “faculty” in ISU Policies and Procedures include both academic and career-technical faculty. Institutional faculty

members are generally subject to all of the same policies and procedures unless one group is specifically addressed or exempted. The following information is for summary and example purposes only. This policy makes no attempt to limit the Office of Academic Affairs from creating alternative groups of faculty as needed to carry out the academic mission of the university. This policy also has no influence over Academic Affairs policies and procedures with regard to promotion in academic rank and tenure.

i. Tenure-Track and Tenured Faculty Positions

1. A faculty position assigned to an academic department or the university library wherein the incumbent holds academic rank and is eligible for tenure, is tenured, or has been denied tenure but is employed under a non-tenured fixed term appointment.
2. The primary responsibilities of a member of the tenure-track or tenured faculty in an academic department are instruction, research and professional service in accordance with the Faculty Workload policy as maintained by the Division of Academic Affairs.
3. Titles in this category are the same as the four primary academic ranks defined by SBOE Governing Policies and Procedures, policy II.G.1.d(1). The ranks in ascending order are Instructor, Assistant Professor, Associate Professor, and Professor.

ii. Administrative Faculty

1. A faculty position in which the incumbent is qualified to hold academic rank and his or her responsibilities are primarily administrative.
2. The President may be a member of the administrative faculty, as are the Provost, the deans of the colleges and the university library, and all administrative officials who are qualified to hold academic rank and are designated as administrative faculty by the President or his/her designee.
3. A member of the administrative faculty may also be a member of the tenured faculty.
4. Titles in this category are varied and are assigned by the supervising authority subject to the approval of the President or his/her designee.

iii. Lecturer and Other Non-Tenured Faculty

1. A faculty position in which the primary responsibility is teaching non-clinical courses in degree and/or certificate programs for an academic year or other period of appointment.

2. A lecturer and other non-tenured faculty are not eligible for tenure, may or may not have responsibilities for research and/or professional service, and may serve on a wide range of institutional committees subject to the practices of the University, college, or department.
  3. Titles in this category are typically Assistant Lecturer, Associate Lecturer, and Lecturer or Senior Lecturer, but are not necessarily limited to those titles.
- iv. Adjunct Faculty
1. See section II.B.3.b., Adjunct Faculty.
- v. Research Faculty
1. A faculty position in which the primary responsibility is research.
  2. A member of the research faculty contributes to the research mission of the university through the development of research programs involving projects that are of specified duration and operate under the terms of grants and contracts awarded to the University.
  3. Members of the research faculty typically are not eligible for tenure, may or may not have instructional responsibilities and may serve on a wide range of institutional committees subject to the policies of the department or research unit, the college, and University.
  4. Titles in this category may include Research Assistant Professor, Research Associate Professor, Research Professor, as well as Research Fellow.
- vi. Clinical Faculty
1. A faculty position within an academic or non-academic department that has primary duties in the area of clinical instruction.
  2. Clinical faculty members are typically licensed or certified professionals in the health sciences disciplines, or are in the field of education, but are not necessarily limited to those disciplines.
  3. The major responsibility of the clinical faculty involves teaching students in both academic and clinical settings, supervising clinical experiences, and engaging in professionally related service.
  4. Clinical Faculty may or may not participate in research depending on the needs of the department and the expertise of the faculty member.
  5. Members of the clinical faculty typically are not eligible for tenure, but are eligible for promotion based on criteria determined by academic leadership.

6. Titles in this category are Clinical Instructor, Clinical Assistant Professor, Clinical Associate Professor, and Clinical Professor.

vii. Affiliate Faculty and Allied Graduate Faculty

1. An Affiliate Faculty member may provide instruction, conduct research, and/or provide clinical supervision, typically without compensation, for students enrolled in credit-bearing learning experiences on-campus or in off-campus settings such as medical centers, public schools, business and industry and/or government agencies. The Affiliate Faculty program is managed by Academic Affairs.
2. An Allied Graduate Faculty member provides graduate level instruction, mentoring, and supervision to graduate students, typically without compensation. The Allied Graduate Faculty program is managed by the Graduate School.

viii. Visiting Faculty

1. A faculty position held by an individual who is visiting the university for the purposes of collaboration, for advanced study in his/her field of expertise, or to augment the capabilities of the university through an appointment not covered by other faculty categories.
2. Members of the visiting faculty are not eligible for tenure and typically receive up to three one-year appointments.

b. Coaches

- i. Positions in the Athletic Department, which have direct responsibility for coaching intercollegiate athletic teams such as head or assistant coaches.

c. Resident Directors

- i. A position within Student Affairs responsible for administering resident halls.

3. Temporary or Special Project Non-classified Employees

These positions are “at will” and employees in this category may be released or terminated without cause at any time provided there is no illegal discrimination in accordance with SBOE Policy Section II.F.1. This category includes (1) employees who are appointed to positions that are either temporary or for special projects and who generally meet specific position requirements for (a) grants or contracts of specified duration or (b) part-time teaching or other responsibilities, and (2) employees who are appointed to fulfill the responsibilities of positions on an emergency or temporary basis. Individuals appointed to these positions must be a minimum of 18 years of age,

with limited exceptions for degree seeking, matriculated students enrolled at Idaho State University as described in section II.B.3.c below. Additionally, limited exceptions may be approved by HR when a granting agency has provided sponsored funds with the specific intent of employing minors in non-hazardous occupations who may, or may not be students of the institution.

- a. Temporary or special project staff positions of either an FLSA exempt or nonexempt status are those employees appointed to hold a temporary appointment. These positions may be appointed to complete work for other staff that are on various types of leave, or to fill the short-term needs of an employing department. Temporary appointments are limited to one thousand three hundred eighty-five (1,385) hours of work in any twelve-month period. See IDAPA 15.04.01 Rule 122. Additional limitations regarding hours worked per week are described below.
  - i. All temporary or special project staff are expected to work part-time at less than 20 hours per week, (less than a .50 Full Time Equivalency - FTE), and may do so for an unlimited number of weeks, subject to approval of the respective management chain and funding limitations. Any need to employ a temporary or special project staff employee for 20 hours per week or more must be discussed with the Office of Human Resources in advance of the appointment and will only be for emergency, short-term circumstances as described below.
  - ii. In short-term, emergency circumstances, temporary or special project staff appointments may work 20 hours per week or more, (.50 to 1.0 FTE) for a maximum duration of 12 calendar weeks during a rolling 12 month period, provided that there has been a complete 30 day break in service immediately preceding the .50 to 1.0 FTE appointment. Following a 12 week, .50 to 1.0 FTE appointment, there must also be a 30 day break in service before the individual can be reemployed in another temporary capacity. If an employing department has a need to employ a temporary or special project staff member at 20 hours or more per week for longer than 12 weeks, the department must consult with the Office of Human Resources and its respective management chain to assess benefits eligibility and related budget implications and as necessary, obtain approval for the establishment of a benefits eligible staff position through the applicable new position authorization process.
  - iii. Employing departments that wish to employ retired faculty and staff as described in section II.A and B of this policy must consult with the Office of Human Resources and their respective management chain to assess benefits

eligibility and related budget implications prior to entering into any reemployment agreements.

- b. Adjunct faculty are part-time, temporary faculty positions in which an individual is hired to teach a specified course or courses for one academic semester or term with no expectation of subsequent appointments. Typically there is no expectation of research or professional service for an adjunct faculty member as part of a workload assignment.
  - i. Workload limitations
    - 1. Adjunct faculty who carry a workload of 7 workload equivalency units or fewer as defined in the Faculty Workload Policy and managed by the Division of Academic Affairs may continue such a workload for an indefinite number of single semester or term appointments, with no break in service required, subject to approval of the respective management chain and funding limitations.
    - 2. In emergency circumstances, Adjunct faculty may carry a workload of 7.5 to 11 workload equivalency units as defined in the Faculty Workload policy as managed by the Division of Academic Affairs, provided that there has been a complete 30 day break in service since any previous adjunct or temporary appointment. An adjunct appointment can be for no longer than one academic term or semester with no expectation of subsequent appointments. If an employing department has a need to employ an adjunct faculty member with a workload of greater than 11 workload equivalency units, or extend a contract that is for longer than one academic term or semester, the department must consult with the Office of Human Resources and its respective management chain to assess benefits eligibility and related budget implications and as necessary, obtain approval for the establishment of a benefits eligible faculty position through the applicable new position authorization process.
    - 3. Employing departments that wish to employ a retired faculty member as described in section II.B.2 of this policy must consult with the Office of Human Resources and their respective management chain to assess benefits eligibility and related budget implication prior to entering into any reemployment agreements.
- c. Student Employee Positions shall be defined as those filled by degree seeking, matriculated students enrolled at Idaho State University at least half time (as defined by ISU Registrar). Employment in this category is predicated upon the individual being a student of Idaho State University in accordance with Idaho Code

59-1302. Employment of a Student Employee as defined above that is under the age of 18 requires consultation with the Office of Human Resources to ensure work will not involve any hazardous occupations as defined by the Fair Labor Standards Act, (FLSA).

i. Hours Worked

1. During the fall and spring semester, a student employee may work a maximum of 25 hours per week, unless otherwise prohibited by the employing department(s), funding source, or student work eligibility.
2. During the summer break, a student employee may work up to a maximum of 40 hours per week for a maximum of 12 calendar weeks, unless otherwise prohibited by the employing department(s), funding source, or student work eligibility. If an employing department has a need to employ a student employee at 30 to 40 hours per week for longer than 12 weeks at any point during the year, the department must consult with the Office of Human Resources and its respective management chain to assess benefits eligibility and related budget implications and as necessary, obtain approval for the establishment of a benefits eligible position through the applicable new position authorization process.

ii. Enrollment Status Students who are employed prior to enrollment (i.e., in the summer or in the interim between fall and spring semesters) must meet the "intent to enroll" criteria.

1. For continuing students, intent to enroll means the student has registered for the upcoming semester (Fall or Spring of the academic year).
2. For new or returning students, intent to enroll means the student has a current admission status for the next term.

iii. International students admitted to Idaho State University who are authorized for employment through their visa type may work provided that they remain fully enrolled in their program of study. The Office of Human Resources and Office of International Programs will monitor status to ensure that an international student is fully enrolled and eligible for work hours.

iv. Positions

1. Work Study Student

- a. Student employees receiving allotments designated as work study awards from which they may be paid for work performed. The sources of these awards are managed by the Department of Financial Aid.



2. Career Path Internships
    - a. Student employees employed in positions on campus that are focused on academic and professional interests may qualify for funds as managed by the Career Path Internship Program and the Division of Student Affairs.
  3. Graduate Teaching Assistant and Graduate Research Assistant
    - a. Graduate students who provide classroom and/or research services under supervision of full-time members of the faculty or the administration.
    - b. Other duties of a non-teaching or non-research nature may be assigned by the department in which the assistant holds an appointment.
    - c. Graduate Teaching Assistant appointments are made under the oversight and administration of the Graduate School. Graduate Research Assistant appointments are made under the oversight and administration of the Office of Research and research investigator.
  4. Undergraduate Student Research Assistant
    - a. Students who provide services and perform duties as directed by a faculty research investigator or administrative research investigator in charge of the project to which the student is assigned.
  5. Student Assistant
    - a. Any student employee meeting the general definition of a student and not meeting the criteria for other types of student positions listed.
4. Volunteers

University volunteers are not employees of Idaho State University. For policy information regarding volunteers, see *ISUPP 3020 University Volunteer*.

### **III. POLICY STATEMENT**

It is the policy of Idaho State University that all employees will be categorized in accordance with the definitions section of this policy. Each category of employee has unique rules, related policies, and limitations that must be considered and adhered to when creating and managing positions. Managers will work with the Office of Human Resources to review the related rules, policies, and limitations and ensure that positions within their span of control are managed accordingly.

#### **IV. AUTHORITY AND RESPONSIBILITIES**

- A. The Office Human Resources is responsible for maintaining this policy and assisting departments and divisions with the process of categorizing positions. Different employee categories have varying employment regulations at the State and Federal level that must be adhered to by management. It is the responsibility of the HR Office to ensure that all levels of the management chain are informed of each type of employee category and the related laws, rules, policies, and limitations that need to be considered in managing incumbent employees.
- B. Supervisors, department Heads, and department chairs are responsible for contacting the Office of Human Resources anytime there is a question regarding the management of a particular position as it relates to the appropriate employee category. Supervisors and managers must adhere to the respective employment laws, rules, policies and limitations that relate to each category of employee with the assistance of the Office of Human Resources. If there becomes a need to modify the category of employee for a particular position, it is the responsibility of the Supervisor, Department Head, and/or Department Chair to consult with the Office of Human Resources and work with the management chain to process the related personnel action as may be appropriate to the circumstances. Failure to comply with respective employment laws, rules, policies and limitations that relate to each category of employee on the part of supervisors, department heads, and department chairs may result in additional financial cost and potential state or federal penalties to the University. The employing department will be responsible for any additional financial cost incurred by non-compliance.
- C. Deans, vice presidents, and other executives that report directly to the President are responsible for ensuring that department heads and supervisors within their span of control work with the Office of Human Resources when managing positions in accordance with the respective laws, rules, policies and limitations related to the appropriate category of employee. If there becomes a need to modify the category of employee for a particular position, it is the responsibility of the managing executive to consult with the Office of Human Resources as necessary to apply any needed changes within his/her division or unit as appropriate to the circumstances. Failure to comply with respective employment laws, rules, policies and limitations that relate to each category of employee on the part of deans, vice presidents, and other executives that report directly to the President may result in additional financial cost and potential state or federal penalties to the University. The employing department will be responsible for any additional financial cost incurred by non-compliance.

## V. RELATED LAWS, RULES, AND POLICIES

- A. IDAPA 15.04.01, Rules of the Division of Human Resources and Idaho Personnel Commission
- B. Idaho Code Title 67 State Government and State Affairs, Chapter 53, Personnel System
- C. Idaho Code 67-5303(j). Application to State Employees for Officers and Teaching Staffs of State Educational Institutions.
- D. Idaho Code Title 59 Public Officers in General, Chapter 13, Public Employee Retirement System.
- E. ISU Policies and Procedures, Academic Affairs, ISUPP 4090 *Faculty Workload Policy*, <https://www.isu.edu/policy/academic-affairs/>
- F. ISU Policies and Procedures, ISUPP 3020 *University Volunteer*,
- G. Idaho State Board of Education Governing Policies and Procedures, [http://www.boardofed.idaho.gov/policies/policy\\_jump.asp](http://www.boardofed.idaho.gov/policies/policy_jump.asp)
  - 1. Section II. Human Resources Policies and Procedures, Subsection D. Categories of Employees – General Definitions
  - 2. Section II. Human Resources Policies and Procedures, Subsection E. Policies Regarding Classified Employees
  - 3. Section II. Human Resources Policies and Procedures, Subsection F. Policies Regarding Nonclassified Employees
  - 4. Section II. Human Resources Policies and Procedures, Subsection G. Policies Regarding Faculty
- H. Fair Labor Standards Act (FLSA), Compliance Assistance, <https://www.dol.gov/whd/flsa/>