

EMPLOYEE CLASSIFICATION

Staff Handbook - Part II A.

1. **Purpose.** The purpose of this policy is to describe the various classifications of positions of Northern New Mexico College (the College) staff in terms of employment designation (exempt or nonexempt) and employee definition.
2. **Policy.** The College employee classification policies are as follows:
 - A. **Fair Labor Standards Act.** The College describes its employees pursuant to the Fair Labor Standards Act (FLSA), as amended, which classifies employee positions as either "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 timesheet. 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 of time and is normally scheduled to work forty (40) hours per week.
 - (2) **Regular Part-Time Employees.** A regular part-time employee is hired for an indefinite period of time 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.
3. **Term Appointment Employees.** A term appointment employee is hired (full-time or part-time) into a position that is designated to run for a specified period of time. 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.
 - a. Term appointment employees are normally separated from the College 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 appeal or 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 or appointed into positions that directly report to any of the following: The President, Chief Financial Officer, Chief Academic Officer, Dean of Student Services, Deans, Associate Vice-

Presidents, Assistant Provost, and Associate Provost. These employees serve at the pleasure of the president. Employees hired into coaching positions serve at the pleasure of the President.

Tenure-track faculty members who serve in a chair position will return to their tenure-track faculty position if the at-will position is terminated.

Employment is at-will and either party can terminate the employment relationship at any time with or without cause and with or without notice. 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 College may unilaterally terminate the employment of an at-will employee at any time for any legal reason or no reason prior to expiration of the term of the employee's contract.

5. **Interim** - Interim employees are hired on an emergency basis, for a period of up to but not to exceed one (1) year. An emergency position is one created to address and remedy an immediate problem or critical situation within a department of the College as designated by a Vice- President. An interim employee classification must be approved by the President.
6. **Temporary Employees.** Temporary employees are hired to work reasonably predictable schedules, full-time or part-time, that ordinarily will not exceed twelve (12) 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 twelve (12) months, his or her status as a temporary, at-will employee will not change.

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

7. **Student Employees.** Students who are employed on campus under programs including but not limited to federal work study, state work study, are considered student employees. Student employees must be enrolled in six credit hours in order to be eligible for student employment. Student employees are limited to working 20 hours per week while school is in session (*any exceptions to the 20 hours per week must be approved by the Provost*). Student 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. Student employees are not eligible to apply for internal vacancies.

8. **Employees Holding Multiple Positions.**

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