

## SDCRAA TALENT STANDARDS AND PROCEDURES

Section: **Employment**

Standard: **CATEGORIES OF EMPLOYMENT**

Section #: **A-3**

Effective: September 3, 2008

Revised 9/29/14

See Also: Personnel Actions; Recruitment and Selection; Benefits Coverage and Eligibility; Work Schedule and Overtime for Non-exempt Employees; Special Types of Pay for Full-Time Non-exempt Employees; Probationary Periods; General Provisions of the Classified Service; COBRA; Paid Time Off

### ***GENERAL STANDARD***

All employees of the Authority will be assigned an employment status reflecting their eligibility for benefits. Positions generally will be designated according to the applicability of the Fair Labor Standards Act (“FLSA”) and relevant state law regarding the payment of overtime.

### ***DEFINITIONS***

***Regular full-time employee*** is an employee who regularly is scheduled to work between 30 and 40 hours per week on a routine, continuing basis.

- A full-time employee working a minimum of 40 hours per week on a continuing basis is eligible for all Authority benefits, subject to the terms, conditions and limitations of each benefit program.
- A full-time employee who routinely is scheduled to work between 30 and 40 hours per week on a continuing basis is eligible to participate in the Authority’s health, retirement and welfare plans, and its deferred compensation plan, and is eligible for pro-rated Paid Time Off (“PTO”)/leave benefits on the basis of the number of regularly scheduled work hours per week, subject to the terms, conditions and limitations of each benefit program.

**Regular part-time employee** is an employee who regularly is scheduled to work less than 30 hours per week on a continuing basis. A part-time employee is eligible for pro-rated PTO/leave benefits and participation in the Authority's deferred compensation plan, as specified elsewhere in these Standards, subject to the terms, conditions, and limitations of each benefit program.

**Limited term employee & Veteran Fellow** is an employee who works for a specified period of time or until the completion of a special project. The job assignment, work schedule, and expected duration of the position are determined by the appointing authority/manager in concert with a representative of Talent, Culture & Capability (TCC) prior to or at the time of appointment. The written authorization is provided by a member of the TCC Department in consultation with the applicable appointing authority/manager. Limited term employees & Veteran Fellows typically are eligible for benefits based on the number of hours worked, subject to the terms, conditions and limitations of each benefit program.

**Temporary employee** is an employee who is hired for a specified short-term assignment or in response to an unforeseen situation or an emergency need for staffing. Seasonal employees are considered temporary employees. The job assignment, work schedule, and expected duration of the position are determined by the appointing authority/manager in concert with a representative of TCC prior to or at the time of appointment. Temporary employees are not eligible to receive benefits.

**Trainee employee:** The President/CEO (or designee) may designate any open position as a trainee position any time that business conditions warrant. The Director, Talent, Culture & Capability (or designee), will establish the selection method for a trainee employee(s). The appointing authority/manager will establish the minimum criteria for successful completion of training and maximum time allowed to meet the criteria. Trainee employees are eligible for benefits based on the routine number of hours worked per work week, subject to the terms, conditions, and limitations of each benefit program. At the conclusion of the training period, the trainee employee must meet the minimum qualifications of the position in order to be considered eligible for a vacant position. Failure to complete training successfully shall result in termination from the position. Time served as a trainee employee does not apply to any applicable probationary period.

## **SPECIFIC STANDARDS**

- All positions are designated as either Classified Service or At-Will. The TCC Department maintains a current list of positions designated as either Classified Service or At-Will.

**Section I** of the Standards and Procedures applicable only to Classified Service employees.

**Section J** of the Standards and Procedures applicable only to At-Will employees.

All other sections within the Standards and Procedures apply equally to both designations unless provisions of a collective bargaining agreement, memorandum of agreement, or other written agreements prevail.

- Positions are designated by the Authority as either *exempt* or *non-exempt* from the payment of overtime in accordance with the Fair Labor Standards Act (“FLSA”) and any applicable state law requirements.
  - **Exempt positions** generally are those held by officers, executives, managers, supervisors, professional staff and others whose duties and responsibilities allow the incumbent to be exempt from overtime provisions of the FLSA. Employees holding exempt positions are paid a biweekly salary that is intended to compensate them for the completion of all their responsibilities. They are not entitled to overtime pay.
  - **Non-exempt positions** generally are those held by employees in all other types of positions. Employees holding non-exempt positions are eligible for overtime pay for hours worked in compliance with the FLSA.
  - Employees are advised of the exempt/non-exempt status of the position for which they are employed at the time of hire.

The TCC Department staff will recruit applicants for *limited term, Veteran Fellows, temporary, and/or trainee* appointments following procedures outlines in the **Recruitment and Selection** Standard. *Limited Term* employees, Veteran Fellows and *temporary employees* (scheduled for five days or more of work) are subject to the same pre-employment assessment and background checks as regular full-time and part-time employees.

With the necessary authorizations, managers may obtain temporary employees from approved temporary agencies for short-term temporary assignments:

- I. Only Authority approved temporary agencies who conduct employment verification and reference checks prior to assigning employees to the Authority may be used.
- II. Temporary employee assignments typically last no longer than sixty (60) calendar days. Extensions are approved by the applicable appointing authority/manager (or authorized designee), as advised by the Director, Talent, Culture & Capability (or authorized designee).

## **PROCEDURES**

TCC job postings and other recruitment notices reflect the category of employment.

An offer of employment will specify the employment status and eligibility for all or a portion of the Authority's benefit plans.

The *at-will/classified service* and *exempt/non-exempt* designations may change, in accordance with applicable law, and/or when an employee is transferred from one job/position to another. A representative of the TCC Department will notify employee(s) who are considering applying for a promotion or transfer of any change in status with regard to exempt/nonexempt or at-will/classified service classification and how this change may affect their overtime status and any other Authority benefits.

An employee, who changes from full-time to part-time, may become ineligible for certain Authority benefit plans. TCC Department staff is available to assist

employees in understanding the effects of employment status changes on their benefits.

If an employee becomes ineligible for the Authority's health insurance plans, the employee and his/her eligible, covered dependents will be notified of their health care continuation rights in accordance with and under the Consolidated Omnibus Budget Reconciliation Act of 1986 ("COBRA") and any applicable state law.

If, due to business needs, the essential job duties and related requirements of a position significantly change, the appointing authority must notify a representative of the TCC Department. The TCC representative will evaluate the change to determine whether its exempt/non-exempt or at-will/classified service status has been affected and will provide the appointing authority notification if a change in status is required.

Should there be a need to hire an employee for a *limited term*, *Veteran Fellow*, *temporary*, or *trainee* position, the appointing authority must submit a completed Employee Requisition Form to a TCC Department representative.

In the event that a temporary employee(s) are needed, the TCC Department staff is responsible to engage them.