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## UNIVERSITY OPERATING PROCEDURE

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### **Title:** Temporary Employees & Paid Non-Employees

#### Overview

Federal and state labor laws and related University Policies apply when a unit is considering the use of a temporary employee and other non-employees. This operating procedure outlines all requirements associated with hiring, employment, payment and separation of temporary employees. It also includes requirements associated with paid non-employees including those working as student leaders, volunteers and interns receiving a nominal stipend. Compliance with all processes and protocols detailed in the [University's Temporary Employees & Paid Non-Employees Manual \(PDF\)](#) ("The Manual") are required under this University Operating Procedure.

#### Applicability of the Procedure

This University Operating Procedure (UOP) and the Manual apply to all UVM employees, unless otherwise specified in an applicable handbook or collective bargaining agreement. All members of the University of Vermont community who engage individuals to perform services for the University, authorize expenditures related to such services or process payment transactions have operational responsibilities under this UOP.

#### Definitions

This UOP shall have the same definitions as those contained in the [Temporary Employee & Paid Non-Employee Manual](#).

#### Procedures

##### **TEMPORARY EMPLOYEES:**

###### 1. GENERAL:

Temporary employees have employee status with The University of Vermont. However, their terms and conditions of employment, compensation, and benefits are separate and independent from those of faculty, staff, and officers of administration and are contained in this document. Terms and conditions of employment for temporary employees are designed with the intention of preserving flexibility and responsiveness to the needs of the University department employing them. As such, this UOP is designed to enhance consistency and fairness in the benefits and terms of employment for the individuals in these positions.

Temporary employees are required to follow all applicable University policies and operating procedures that apply to University employees. Hiring departments are responsible for ensuring that employees adhere to these policies and that applicable operating procedures are followed in a timely manner. See the [Policy webpage](#) for the full list of University Policies & Operating Procedures. Hiring departments are further required to comply with the hiring requirements outlined in the Temporary Employee Manual.

Temporary positions should only be used to:

- meet the seasonal needs of the University;
- respond to a bona fide emergency;
- fill in for the temporary absence of an existing employee, or vacancy in an existing position; or
- perform a function that requires only intermittent, sporadic or ongoing employment that does not exceed 1,040 hours in any calendar year (i.e., 6 months of full-time employment at 40 hours per week or 12 months employment at 20 hours per week).

Unless an exception applies, a temporary employee should not continue to work in a temporary capacity after a 12-month period. These individuals should be reclassified as to part-time or full-time faculty or staff, as appropriate. Temporary positions should not be used if the function is ongoing and continuing. Exceptions are:

- **Students hired as Work Study or Student Employees:** Students may continue to be rehired in these roles while enrolled in a degree program at the University.
- **Internships or Apprenticeships:** These positions may have a duration of up to two years. Please see [Temporary Hourly Employees](#) Interns/Apprentices definition, for position requirements and details. *Please note:* This type of internship has an established employment relationship with the university and is defined separately from the [Non-Employee Intern](#) paid an approved stipend.

It is a violation of University policy to utilize temporary positions to circumvent the policies and purposes of regular employment. Doing so could also increase the University's risk of violation of federal and/or state law.

## 2. HIRING TEMPORARY EMPLOYEES:

When an employee is completing short-term, project-based, or seasonal work for the University and the employee does not otherwise have an active job code with the University, they should be hired as a temporary employee using a job code listed in the Manual. In certain situations, it may be appropriate to pay an individual/company as an independent contractor. Refer to the [Employee or Independent Contractor](#) section of the Manual.

If the employee has an existing active job code, unless an exception applies, this employee will require an additional temporary employee job code if they are receiving compensation for any of the following reasons:

- Work completed in a different department.
- Work unrelated to the employee's primary job.
- Work completed between appointments for an employee whose primary job is paid via kronos and works a less than 12-month term.

Exceptions to the additional job code requirement include:

- Exempt staff or faculty with 1.0 FTE completing de minimis work as defined herein. This compensation may be paid on the employee's primary job via an additional pay form;

- Faculty teaching in another department: Faculty teaching credit bearing course(s) in a different department during the term of their primary appointment. This compensation may be paid on the employee's primary job via an additional pay form; or
- CDE Earnings: Work paid on the Continuing & Distance Education (CE) earnings code. This compensation may be paid on the employee's primary job via an additional pay form.

In addition, departments are required to follow University policies and operating procedures as they pertain to reference checks and background checks. At a minimum:

#### **Reference Checks:**

Hiring supervisors should complete a minimum of three professional reference checks, including at least one direct supervisor, prior to making an offer. If a reference is neutral or negative, hiring supervisors should discuss the situation with their department head and carefully consider whether to extend an offer of temporary employment.

All temporary employees should be asked if they have previously worked at the University of Vermont. If so, a reference check with their previous supervisor is encouraged. At minimum, hiring managers should be reaching out to their [Labor and Employee Relations Representative](#) or to [Human Resource Services](#) to ensure that the candidate was not terminated from the University for misconduct or performance issues, as additional investigation prior to an offer of employment may be necessary. Hiring supervisors should also ask each finalist candidate if they have family members working at the University of Vermont, and if so, in which departments. Temporary employees should not report, directly or indirectly, to a family member within the organizational structure.

#### **Background Checks:**

Background checks must be completed for any position which includes the following:

- working with minors or other vulnerable populations;
- handling cash or other financial transactions;
- driving a University vehicle;
- access to confidential information;
- access to private areas such as dorm rooms, showers, or locker rooms;
- access to controlled substances;
- access to valuable research equipment;
- access to Physical Plant operational systems;
- access to research animals.

If the background check results indicate one or more convictions, the department should consult with their [Labor and Employee Relations Representative](#) prior to hire.

If a decision is made to not offer the job to the candidate in whole or in part due to this information, the department must initiate the adverse action process.

### **3. CLASSIFICATION & COMPENSATION:**

In order to reduce the risk of violation to federal and state employment laws, including FLSA, hiring departments are required to classify temporary employees in the proper categories as outlined in the Manual. Hiring departments should contact Human Resource Services with questions prior to the submission of hiring forms to ensure that pay rate and potential overtime implications have been addressed.

4. APPROVAL TO BEGIN WORK:

Temporary employees may not begin working for the University until all applicable required documents have been received and approved by Human Resource Services. Details regarding required documents for temporary employees, refer to the [Temporary Employee Job Codes Outline](#) section of the Manual. Typically, approval occurs one day following the submission of paperwork to Human Resource Services. Ensuring that documents are approved prior to the employee's start date ensures that job codes and pay rates are appropriate and ensures payment to the employee in the required timely manner.

5. HIRING VENDORS/EMPLOYMENT AGENCIES:

To reduce the risk of violation to federal and state employment laws, it is preferred to hire temporary employees through one of the Universities approved staffing agencies whenever possible. The University has contracts with staffing agencies: [Spherion \(xlsx\)](#), [Westaff \(xlsx\)](#) and [Adecco \(xlsx\)](#). Refer to the Manual for more information on UVM's current vendors/agencies.

## NON-EMPLOYEES WITH APPROVED NOMINAL STIPEND

1. GENERAL:

To reduce the risk of violation to federal and state employment laws, the University has established these procedures related to non-employees receiving nominal stipends. Non-employees receiving stipends are generally volunteer, student leader and intern positions. In the event that a department has a non-employee position that does not fall into one of these categories, they should contact [Human Resources Services](#) for guidance.

Non-employee student leader and intern positions generally should not exceed one semester in duration. However, while the individual is enrolled full-time as a UVM student (graduate or undergraduate), they may continue to be active in these roles while they complete their degree(s).

Non-employee volunteers, student leaders, and interns are required to follow all applicable University policies and operating procedures that apply University students and affiliate personnel. Departments are responsible for ensuring that students and affiliates work within these policies and that applicable operating procedures are followed in a timely manner.

See the [Policy webpage](#) for the full list of University Policies & Operating Procedures.

2. METHODS OF PAYMENT:

Stipends may be paid in a lump sum upon the completion of the non-employee's position or regularly (each payroll during the position.) If the payment is provided each payroll the stipend must be paid regardless of the completion of the position; it may not be withheld if the individual does not complete all tasks. It is recommended that the stipend be paid as a lump sum during the pay period in which the expected end date is in. Departments must provide an accurate estimate of the number of hours the individual will perform tasks (tracked on the additional pay form.)

3. ACTIVATING/DEACTIVATING RECORDS:

Non-employee may not begin their position until after all applicable required documents have been received and approved by Human Resource Services and the University of Vermont's Internship Coordinator (as applicable.)

Typically, approval occurs one day following the submission of paperwork. Ensuring that documents are approved prior to when the student leader/intern begins the position ensures that job codes and stipends appropriate, and that the stipend is provided to the individual as expected. For details regarding what

documents are required in order to activate and pay these non-employees employee, please see the [Non-employees with Approve Stipend Outline](#).

If the non-employee's record has been deactivated within the last 3 months, the department may submit a Non-Employee Reactivation Form. This is only appropriate if the details of the record remain unchanged and the individual will be completing the same tasks. In certain situations, it may be permissible for the stipend to be increased as long as it remains "nominal."

Non-employee records will be automatically deactivated after six months of non-payment. This automatic deactivation occurs regardless of the expected end date of the position

## Contacts

Questions concerning the daily operational interpretation of this UOP should be directed to the following:	
Title(s)/Department(s):	Contact Information:
Human Resources Services	<a href="mailto:hrsinfo@uvm.edu">hrsinfo@uvm.edu</a>
Dean's Office Human Resource Representatives	<a href="http://www.uvm.edu/hrs/contact">www.uvm.edu/hrs/contact</a>
Payroll and Tax Services	<a href="mailto:taxadmin@uvm.edu">taxadmin@uvm.edu</a>
Student Employment Office	<a href="mailto:Student.Employment@uvm.edu">Student.Employment@uvm.edu</a>

## Forms/Flowcharts/Diagrams

- Additional Pay Form
- FLSA Flowchart
- Non-Employee Reactivation Form

## Related Documents/Policies

- [Division of Financial Forms Website](#)
- [Employee vs. Independent Contractor Policy](#)
- [Recruiting Resources Website](#)
- [Temporary Employee & Paid Non-Employee Manual](#)
- [University Operating Procedures for I-9](#)

## Training/Education

Training will be provided on an as-needed basis as determined by the Approval Authority or the Responsible Official.

## About This Procedure

<b>Responsible Official:</b>	Chief Human Resource Officer	<b>Approval Authority:</b>	Chief Human Resource Officer
<b>Affiliated Policy Number(s):</b>	V. 4.6.4	<b>Effective Date:</b>	November 3, 2020
<b>Revision History:</b>	<ul style="list-style-type: none"><li>• Responsible official officially changed from the Vice President for Finance and Administration to the Chief Human Resource Officer October 3, 2022</li></ul>		

*University of Vermont Policies and Operating Procedures are subject to amendment. For the official, approved, and most recent version, please visit UVM's [Institutional Policies Website](#)*