



TEXAS TECH UNIVERSITY
Faculty Senate

To: Dr. Duane Nellis, Texas Tech University President

From: Dr. Aliza Wong, Faculty Senate President

Date: September 13, 2013

RE: Revisions to OP 70.11, Appointment of Staff Employees

Introduced to, and passed by, the Texas Tech Faculty Senate on 11 September 2013.

OP 70.11: Appointment of Staff Employees

DATE:

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish responsibility and policy regarding staff appointments. Faculty appointments are covered in Chapter 32, Academic Policies (Faculty), of Texas Tech University's Operating Policies and Procedures.

REVIEW: This OP will be reviewed in September of odd-numbered years by the managing director of Human Resources with recommended revisions forwarded through administrative channels to the chief of staff for the president.

POLICY/PROCEDURE

1. Policy

Texas Tech University will not discriminate in employment actions against any employee or applicant for employment because of race, color, religion, sex, age, disability, national origin, Vietnam Era or Special Disabled Veteran status, genetic information, or an individual's refusal to submit to a genetic test, and in keeping with the state and federal laws and the Board of Regents' Rules for Texas Tech University. While sexual orientation is not a protected category under state or federal law, it is Texas Tech University's policy not to discriminate in employment decisions on this basis. Please refer to OP 10.12 *Sexual Orientation Non-discrimination Policy*.

All appointments are subject to the following conditions:

- a. All appointments are made relative to the needs of the institution.
- b. Unless otherwise provided for by law or the Board of Regents' Rules or the university's operating policies and procedures, employment at Texas Tech University is at-will.

2. Definitions

- a. Staff Employee - An employee performing full or part-time work based on the needs of the administrative or academic department. Staff employees are eligible for benefits offered based on their position's full time equivalent (FTE) calculation.
- b. Student Employee - An employee performing part-time work incidental to his or her academic training in an occupational category that requires all incumbents to be students as a condition of employment. These occupational categories are:

Graduate Assistant
Research Assistant
Teaching Assistant

Graduate PT Instructor
Student Assistant
Student Assistant - Food Service
Residence Hall Assistant
Graduate Residence Hall Assistant
Student Assistant - External
High School Student Worker

- c. Retired Employee - Any employee who has retired under a retirement provision under the jurisdiction of:
 - (1) The Teacher Retirement System of Texas;
 - (2) The Optional Retirement Program;
 - (3) The Employees Retirement System of Texas; or
 - (4) Any other federal or state statutory retirement program to which the university has made employer contributions.
- e. Temporary Employee - Generally, temporary positions are less than full time, created for less than 4.5 months, have a specific end date, and have a funding source that is non-recurring. All positions that require student status as a condition of employment, as well as those listed below are considered temporary or seasonal positions.

3. Employment of Temporary or Seasonal Employees

- a. It is the responsibility of the employing department to recruit qualified applicants to fill the temporary staff positions listed below:

Temporary Worker
Distance Learning Instructor
Temporary Game Worker
Outside Sales

- b. Individuals employed as temporary workers are subject to the following:

- (1) Benefits Eligibility - Temporary workers are non-benefits eligible.
- (2) Exemption Status – The exempt / non-exempt status of a temporary position is determined by Human Resources in coordination with the employing department.
- (3) Appointment Duration - An individual classified as a temporary employee 50 percent time or more may not be employed in that position for more than 12 months. Appointments that exceed this limit will require written justification and the approval

of the appropriate senior vice president/vice president, the PSVP, the president, or the chancellor, and the managing director of Human Resources.

- (4) Reclassifications: Promotions, Demotions, Lateral Job Change - Individuals employed as temporary employees may not be promoted or reclassified into other staff positions. Temporary employees desiring employment in staff positions must apply for open positions through the normal process which includes submitting an online employment application through the university's employment website.

4. Appointment of New Employees

- a. Appointment Authority - Approval of appointments made in accordance with Texas Tech University policies and procedures is delegated to the managing director of Human Resources, based upon recommendations submitted by the appropriate administrator on an electronic Personnel Action Form (ePAF).

Hiring administrators seeking exceptions to this policy should route their written justification to the appropriate senior vice president/vice president, PVSP, vice chancellor and Human Resources for review, consideration, and approval. If approved, the written justification must be attached to the initial ePAF appointment.

- b. Appointment of Relatives - All appointments must comply with OP 70.08 *Nepotism*.

- c. Appointment after Retirement

- (1) Individuals receiving a retirement annuity from the Teacher Retirement System (TRS) or Optional Retirement Program (ORP) may be employed without affecting their retirement annuity under the following conditions:

- (a) There must be a least one full calendar month break in service between retirement and returning to employment.
- (b) Individuals who retired before January 1, 2011, may return to work without restriction or reduction in benefits.
- (c) Individuals who retired after January 1, 2011, are subject to the following conditions:
 - Half-time employment,
 - Substitute service defined as a person who serves on a temporary basis in the place of a current employee - a retiree cannot be considered as a substitute when serving in a vacant position, and
 - Full-time employment after a break in service from all TRS-covered employers for 12 consecutive months after retirement.

- (2) Retired employees appointed to otherwise regular positions would be entitled to the employee benefits normally available to regular active employees, except retirement program participation.
- (3) Retired employees should be appointed for less than 50 percent time in accordance with the provisions of OP 70.02 *Retirement*.
 - (a) Departments hiring TRS retirees at 100% FTE will be required to pay a surcharge to TRS. The surcharge amount will be the combined percentage of the salary the employer and employee would have typically contributed to a retirement account.

d. Minimum Appointment Age

- (1) A minor below 14 years of age cannot be employed.
- (2) A 14 or 15-year-old minor may be employed in any occupation except those declared hazardous by the Secretary of Labor and may not be employed:

- During school hours
 - Between 7:00 p.m. and 7:00 a.m.
 - More than 3 hours a day on school days
 - More than 18 hours a week in school weeks
 - More than 8 hours a day on non-school days
 - More than 40 hours a week in non-school weeks

The employment of a 14 or 15-year-old minor requires the prior approval of the managing director of Human Resources.

- (3) A 16 or 17-year-old minor may be employed during school hours for any number of hours and during any period of time except in occupations that have been declared hazardous by the Secretary of Labor. Contact Human Resources for information concerning these occupations.

- e. Assignment of Home Departments - Employees are assigned to a "home department." The home department is the department first submitting an ePAF appointing the individual. The home department is responsible for the coordination of that employee's employment if the employee is employed by an additional department. The home department may be changed by submitting an ePAF through appropriate administrative channels to Human Resources.
- f. Effective Dates for Appointment - The effective date of an employee's appointment will be the first day the employee reports to work for pay. The initial salary payment to be paid to a monthly salaried employee will be calculated on the basis of the number of workdays, including holidays, to be paid, as related to the total number of workdays, including holidays, in that month.

- g. For information on beginning salary rates for staff employees, refer to OP 70.14 *Salary Administration Policy*.
- h. Pay Frequency - Employees who are subject to the overtime provisions of the FLSA must be paid on an hourly basis on the semi-monthly payroll.

Employees who are exempt from the overtime provisions of the FLSA must be paid on the monthly payroll.

- i. Appointment Procedures

- (1) After an offer of employment has been made and accepted by the prospective new employee and on or before the employee's first day of work for pay, the hiring manager should refer the new employee to the designated departmental contact for completion of the *New Employee Packet* and the *Onboarding – Step-by-Step Guide for New Employees at Texas Tech* located on the Human Resources website.

- (2) The ePAF originator must prepare the ePAF.

Copies of the following documents must accompany the ePAF:

- New Hire packet paperwork
 - Employment Application
 - Employment History Verification form(s)
 - Signed Offer Letter
 - Reference Checks
 - College/University Transcript (if applicable)
 - Professional Certifications/Affiliations (if applicable)
 - (3) After the ePAF has been processed, the designated departmental contact should assist the employee in signing up for the next available New Employee Orientation, which includes required trainings such as equal employment opportunity (EEO), Americans with Disabilities Act (ADAAA), and Workplace Violence.

NOTE: All new benefits eligible employees are required to attend New Employee Orientation conducted by Human Resources. Insurance eligible graduate students may contact Human Resources to schedule the next available Benefits Orientation.

5. Reclassifications: Promotion, Demotion, Lateral

- a. Definitions

- (1) Promotion – The permanent movement of an employee from one position to another position in a higher pay grade as determined by work complexities, minimum job requirements, and pay scale.

- (2) Demotion – The permanent movement of an employee from one position to another position in a lower pay grade as determined by work complexities, minimum job requirements, and pay scale.
- (3) Later Job Change – The permanent movement of an employee from one position to another position, both of which are assigned to the same pay range and/or have equivalent work complexities and minimum job requirements.

b. Procedures

- (1) Employees may apply and be considered for an appropriate reclassification if they meet the following requirements:
 - Meet the minimum qualifications for the job;
 - Been employed in their current position for a minimum period of six consecutive months (employees may apply for a promotion, demotion or lateral job change prior to completing six months of employment in their current position, provided they have the approval of their administrator); and
 - Have a satisfactory record of performance.
- (2) Employees who would like to be considered for a reclassification must submit an application through the established online process.
- (3) Employees who express interest in different positions may do so without jeopardizing their current position or future opportunities.
- (4) Employees who meet the requirements outlined in Section 5.b.(1) are not required to notify their present supervisor when applying for promotions or transfers. It is the employee's responsibility to schedule appointments at a time when they will cause the least disruption of work and may be limited by the supervisor to a reasonable number. Supervisors may not limit the number of interviews scheduled outside the regular work schedule. Supervisors are not required to, but may permit employees to take time off to interview during regular work hours without charging leave accruals.
- (5) The effective date of a job change should be determined jointly by the two departments, using a courtesy two-week notice as a guideline.

6. Multiple and Other Employment – refer to OP 70.15 *Multiple and Other Employment*.

7. Right to Change Policy

Texas Tech University reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without the consent of employees.

All related forms are available on the Human Resources website:

<http://www.depts.ttu.edu/hr/forms.asp>

New Employee Packet

