



RUTGERS POLICY

Section: 60.3.21

Section Title: Rutgers Non-Academic

Policy Name: Class 3 and Class 4 Employment

Formerly Book: Formerly Policy 60.1.5

Approval Authority: Senior Vice President for Administration

Responsible Executive: Senior Vice President for Administration

Responsible Office: University Human Resources

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Errors or changes? Contact: policies@hr.rutgers.edu

1. **Policy Statement**

Temporary employees are an important component of the university's workforce. In certain circumstances, temporary employment may be implicated by provisions of controlling law, regulation, collective negotiations agreements or Rutgers policy. This Policy is designed to facilitate the employment of a temporary workforce that is in all respects compliant with such governing provisions.

2. **Reason for Policy**

This Policy shall replace the Class 4 Employment policy heretofore in existence. This Policy is intended to delineate the classifications of casual, seasonal, and short term temporary positions that will comprise the university's temporary workforce, as well as articulate applicable terms, conditions and limitations of employment for such temporary employees.

3. **Who Should Read This Policy**

- Deans, directors and department heads
- Unit administrators
- Class 3 and Class 4 employees

This policy is applicable only to employees in Rutgers positions. A Rutgers position is a position which, historically, was associated with the Rutgers University before June 30, 2013. Individuals employed in Rutgers positions are processed through the PeopleSoft (RIAS) payroll system. These positions may be governed by different negotiated agreements and policies from those that would be applicable to individuals in legacy UMDNJ positions. In this regard, individuals employed in Rutgers positions may be eligible for different non-State benefits than individuals who hold legacy UMDNJ positions.

4. **Related Documents**

Class 3 and Class 4 Employment Guidelines
<http://uhr.rutgers.edu/Class3andClass4/Class3andClass4Guidelines.pdf>

Collectively negotiated agreements
<http://uhr.rutgers.edu/lr/lragreements.htm>

Rutgers Policy 60.1.1, Employment of Relatives
Rutgers Policy 60.3.4, Bereavement Leave
Rutgers Policy 60.3.11, Holidays
Rutgers Policy 60.3.12, Jury Duty
Rutgers Policy 60.3.13, Military Leave

5. **Contacts**

University Human Resources 848-932-3020

6. **The Policy**

60.1.5 CLASS 3 AND CLASS 4 EMPLOYMENT

The temporary workforce shall consist of two classifications: Class 3 and Class 4. Terms, conditions, characteristics and limitations of employment particular to each Class are specified in Sections II and III below. In addition, terms, conditions, characteristics and limitations of employment that are generally applicable to both classifications are specified in Section IV below.

I. Definitions

- A. Exempt: Individuals who are exempt from the overtime provisions of the federal Fair Labor Standards Act (FLSA), and thus ineligible to receive overtime for work hours over 40 in one workweek.
- B. Non-Exempt: Individuals who are included in the overtime provisions of the federal Fair Labor Standards Act and thus eligible to receive overtime for work hours over 40 in one workweek.
- C. Workweek: The workweek at the university is 12:01 a.m. Saturday to midnight Friday.
- D. Full-time: 40 hours per workweek.

II. Class 3 Employees

- A. Employee Class: A Class 3 employee shall be known as a Short-term Temporary Appointee.
- B. Class 3 employees may only hold one university appointment at a time.
- C. Schedule/Percent of Time Worked: Class 3 employees work a fixed schedule that is defined upon hire. Class 3 employees may be appointed to work from between 20 and 40 hours per week based on a 40-hour workweek.
- D. Hours Worked: Class 3 appointments can be either part-time or full-time. Non-exempt Class 3 employees will receive overtime pay or compensatory time for hours worked above 40 hours per workweek as set forth in Section IV.E below.
- E. Pay: Class 3 employees are paid on a salary basis.
- F. Length of Appointment: Class 3 employees may be appointed for up to one year at a time, and are eligible for reappointment for up to one additional year (except for the Special Time Limitations described in section G below). Class 3 appointments have a maximum service limit of 24 months including breaks in service of less than six months.

Appointments may be for less than one year, and may be extended in intervals of less than one year, except that the 24-month time limitation described above applies. After 24 months of service, including breaks in service of less than six months, the Class 3 appointment must be terminated.

G. Special Time Limitations:

1. AFSCME Local 1761
A Class 3 employee who is hired to perform a job which, if it were a regularly appointed position, would be included in the AFSCME Local 1761 negotiations unit, may only be appointed for up to 12 consecutive months with a four-month extension if necessary. The 24-month length of appointment allowance in this Section F does not apply.
2. AFSCME Local 888
A Class 3 employee who is hired to perform a job which, if it were a regularly appointed position, would be included in the AFSCME Local 888 negotiations unit, may only be appointed for up to six consecutive months with a three-month extension if necessary. The 24-month length of appointment allowance in this Section F does not apply.
3. For purposes of these special 12- and six-month time limitations, "regularly appointed position" is defined as working twenty (20) hours per week or more.
4. Requests for Appointment Extensions Permissible by Negotiated Agreements
A hiring unit may request the aforementioned extensions by submitting a request for such an extension to the Office of Labor Relations.

H. Eligibility for Reappointment or Rehire: Reappointment or rehire of an individual to a different temporary appointment in the same or a different hiring unit is permitted, however under no circumstances shall the total length of temporary appointment(s) exceed a continuous 24 months including breaks in service of less than six months. Class 3 employees who have been terminated upon reaching the 24-month length of appointment limitation may be rehired as a Class 3 appointee after six months from the termination date.

I. Seasonal: Seasonal appointments are only applicable to Class 4 appointments.

J. FLSA Designation: Class 3 employees will be classified as either exempt or non-exempt in accordance with the provisions of the federal Fair Labor Standards Act. This designation will be assigned by University Human Resources as specified in Section IV. E below.

K. Health Benefits: Eligible full-time Class 3 employees may enroll in health insurance. Part-time Class 3 employees enrolled in a State-administered pension plan may be eligible to purchase health insurance directly through the State of New Jersey. Information related to the eligibility criteria is available at the University Human Resources website at: uhr.rutgers.edu.

L. Pensions: Class 3 employees may be eligible for pension benefits pursuant to the requirements set forth by the State of New Jersey. Information related to the eligibility criteria is available at the University Human Resources website.

M. Time Off: Class 3 employees will receive the following time off benefits:

1. Vacation: Upon hire, Class 3 employees will earn vacation leave at the rate of one day for each full month of employment. Such leave is credited on the first day of the following month provided that the employee has an active Class 3 appointment on that day. Credited vacation leave shall be prorated for part-time Class 3 employees. Class 3 employees may not carry over credited time off to

any subsequent appointment. Moreover, unused credited vacation time is not payable upon separation or change in appointment classification; all credited time must be used by the end of the appointment in which it was earned or it will be forfeited. For additional vacation leave use requirements for Class 3 employees, refer to the Class 3 and Class 4 Employment Guidelines.

2. Sick Time: Upon hire, Class 3 employees will earn sick leave at the rate of one day for each full month of employment. Such leave is credited on the first day of the following month provided that the employee has an active Class 3 appointment on that day. Credited sick leave shall be prorated for part-time Class 3 employees. For sick time and sick leave use requirements for Class 3 employees refer to the Class 3 and Class 4 Employment Guidelines.
3. Bereavement Leave: Class 3 employees will receive bereavement leave in accordance with Rutgers Policy 60.3.4.
4. University Holidays: Class 3 employees will receive paid time off on the university holidays identified in Rutgers Policy Section 60.3.11(1)(A).
5. Jury Duty: Class 3 employees will receive paid time off for jury duty in accordance with Rutgers Policy Section 60.3.12.

All paid time off shall be prorated for part-time employment.

III. Class 4 Employees

- A. Employee Class: A Class 4 employee shall be either a Casual Appointee or a Seasonal Appointee.
- B. Class 4 employees are limited to one university appointment at a time.
- C. Schedule/Percent of Time Worked: Class 4 employees can work either a fixed schedule, a varied or intermittent schedule from week to week, or a seasonal schedule.
- D. Hours Worked:
 1. Casual: Casual Class 4 appointments work an average of less than 20 hours per week in a quarter.
 2. Seasonal: Seasonal Class 4 employees are not restricted in the number of hours worked per workweek. Seasonal employees will receive overtime pay for hours worked above 40 hours per workweek as set forth in Section IV.E below.
- E. Pay: All Class 4 employees are paid on an hourly basis. Class 4 employees are only paid for time worked.
- F. Length of Appointment:
 1. Casual Class 4 employees may be appointed for up to one year at a time.
 2. Seasonal Class 4 employees may be appointed for up to a six month period, and may be reappointed as long as there is a break in Rutgers service of at least three continuous months.
- G. Eligibility for Reappointment or Rehire: Class 4 employees are eligible for reappointment.
- H. FLSA Designation: Non-Exempt
- I. Maximum Weekly Hour Limitation: Casual Class 4 employees must work an average of less than 20 hours per week. UHR will monitor hours worked by casual appointees on a

quarterly basis. Employees whose hours worked average 20 or more per workweek in any given quarter will automatically be converted to Class 3 employees for the remainder of their current appointment; and the hiring unit will be responsible for the applicable fringe benefit rate.

- J. Health Benefits: Class 4 employees may be eligible to participate in the State Health Benefits Program at full share cost if he/she is already enrolled in a state pension program. Information related to the eligibility criteria is available at the University Human Resources website.
- K. Pensions: Class 4 employees may be eligible for pension enrollment pursuant to the requirements set forth by the State of New Jersey. Information related to the eligibility criteria is available at the University Human Resources website.
- L. Time Off: Class 4 employees are not eligible for paid time off.

IV. Terms Applicable to Class 3 and Class 4 Employees

Consult the Class 3 and Class 4 Employment Guidelines for additional information.

- A. Employment Terms: Class 3 and Class 4 employees are at-will employees. As such, there is no guarantee of continued or renewed employment. An appointment may be terminated with or without cause, at any time without prior notice, at the employee's or the university's discretion. An appointment may end at any time prior to the initially-specified appointment length at the supervisor's or the employee's discretion.
- B. Work Performed: Class 3 and Class 4 employees can perform clerical, office, library assistant, laboratory, technical, service, maintenance, administrative, supervisory, professional, research, managerial, or other work.
- C. Limitation on Appointments: An individual may only hold one Class 3 or Class 4 university appointment at a time.
- D. Establishment and Continuation of Temporary Positions: All Class 3 and Class 4 positions must be submitted to University Human Resources for the review and approval of position classifications and the posting of vacant positions as required, prior to the extension of any temporary appointment offer. Class 3 and Class 4 appointments will not be approved for positions which have not been authorized by University Human Resources. Consult the Class 3 and Class 4 Employment Guidelines for information on this process.
- E. Overtime: Only supervisor-authorized overtime may be worked by non-exempt employees.
 - 1. **Class 3 non-exempt** employees will receive overtime pay or compensatory time at the discretion of the supervisor, at the rate of time and one half for all hours worked beyond forty 40 during the workweek.
 - 2. **Class 4 Casual and Seasonal** employees will receive overtime pay at the rate of time and one half for all hours worked beyond 40 during the workweek.
 - 3. The Fair Labor Standards Act requires the employer to maintain a record of hours worked by employees who are eligible for overtime; therefore, it is the responsibility of every hiring unit to keep accurate records of the hours worked each day by these employees.
 - 4. Where the hiring unit has decided that such compensation will be given to Class 3 non-exempt employees in time off rather than in cash, the hiring unit must not allow more than 120 hours of compensatory time (80 hours at time-and-one-half) to accrue unless specific authorization is given by the Vice President for Faculty and Staff Resources, or a designee. Where the compensation is to be in cash,

payment should be made in the pay period in which the overtime is worked. If that is not possible, then payment must be made in the following pay period.

5. Compensatory time off for Class 3 non-exempt employees should be scheduled upon mutual agreement between the hiring unit and the employee. Hiring units shall maintain accurate records of compensatory time owed.
- F. Compensation: Class 3 and Class 4 employees are not eligible for university salary improvement and/or incentive programs such as across-the-board increases, merit programs, or bonuses.
- G. Family Leave: Class 3 and Class 4 employees may be eligible for leave pursuant to state and federal family leave laws if they meet the laws articulated requirements.
- H. Military Leave: Class 3 and Class 4 employees may be eligible for military leave pursuant to Rutgers Policy 60.3.13. However, Class 3 and Class 4 employees generally hold positions that are brief or nonrecurring in nature and do not provide a reasonable expectation of continuing indefinitely or for a significant period. Therefore, certain provisions of Rutgers Policy 60.3.13, such as reemployment rights, may not apply to Class 3 and Class 4 employees.
- I. Appointment of Retirees: Retirees are eligible for temporary appointments, subject to the rules and regulations of their retirement system.
- J. Fringe Benefits: Hiring units are responsible for the applicable fringe benefits rates for temporary employees. The fringe benefit rate for Class 3 positions will be the same as that applicable to regular Class 1 grant-funded positions. The fringe benefit rate for Class 4 employees will be equal to the FICA tax rate. Please contact the Division of Grant and Contract Accounting for further information.
- K. Employment of Relatives: Temporary employees are subject to the limitations of Rutgers Policy 60.1.1, Employment of Relatives.
- L. Other Benefits: Consult the Class 3 and Class 4 Employment Guidelines for information on the applicability of other employment-related benefits.
- M. Exceptions: Requests for exceptions to this policy may only be granted by the Vice President for Faculty and Staff Resources, or a designee.