

Section 3

Employment and Payroll Procedures

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Employment status will be established at the time of employment as follows:

- I. **Regular Full-Time** (Initial appointments over six months in duration must have Board approval)
 - A. *Contracted Faculty* - a minimum of 174 full working days or full-time teaching assignment.
 - B. *Exempt/Salaried* – a minimum of 260 full working days; minimum of 195 full working days for approved positions.
 - C. *Non-Exempt/hourly* – a minimum of 260 full working days (eight hours each).
- II. **Temporary Full-Time** (Less than 6 month assignment - Not eligible for benefits)
 - A. *Contracted faculty* – Full-time assignment not to exceed 6 months, typically to cover one semester.
 - B. *Exempt/Salaried and hourly* – Full-time assignment not to exceed 6 months.
- III. **Temporary Full-Time** (Initial appointments over six months in duration must have Board approval.)
 - A. *Contracted/Exempt Personnel* - maximum of 260 full working days or full-time teaching assignment.
 - B. *Non-Exempt Personnel* - maximum of 12 months of full working days (eight hours each).
- IV. **Part-Time** (Board approval not required)
 - A. Hourly - maximum of 35 hours per week.
 1. *Student* - Work-study program participants or any employee enrolled for more than six hours of instruction at Kirkwood at the time of employment. Student employees may revert to a “temporary part-time” rate of pay during any period of time in excess of one month in which they are not enrolled for more than six hours of instruction. Part-time student employees are not covered under any of the benefits outlined in Section 5.
 2. *Non-Benefits Eligible Part-Time* - Any non-seasonal, non-student part-time employee who does not meet the benefits eligibility requirements.
 3. *Benefits Eligible Part-Time* - Employees who have been granted benefits based on the following criteria: They have been employed at Kirkwood as a non-benefits eligible part-time employee for a minimum of 1,000 hours during the 12-month period reviewed, based on 50 weeks per year. To maintain eligibility, these minimum requirements must be met each year. Review of all benefits eligible part-time employees will take place each year for a July 1 effective date. New employees will be evaluated on a quarterly basis and receive benefits on a prorated basis.
 - B. Faculty – Adjunct faculty guidelines are reviewed and distributed to appropriate administrative staff each academic year.
- V. **Seasonal**

Employees hired on a short-term basis (maximum of six months continuous employment) for the purpose of providing services only required during particular times of the year shall

be known as (temporary) Seasonal Employees. These employees may work a maximum of six months of full work days. Employees cannot move back and forth between seasonal and temporary part-time employment.

Exceptions may be made on an individual basis by recommendation to and approval by the President.

Employee Classifications

3.2

Administrative Staff

This category of employee is exempt from minimum wage and overtime requirements of the Fair Labor Standards Act and refers to persons whose primary duty consists of the management of a division or department within the college. They customarily and regularly direct the work of two or more other employees; have the authority to hire and fire or whose suggestions and recommendations as to the hiring and firing or advancement, promotion or any other change of status of other employees is given particular weight. These persons regularly exercise discretionary authority and devote no more than 20 percent of their time on activities that are not directly and closely related to their managerial duties.

Exempt Staff

This classification includes persons considered professional staff as defined in the Fair Labor Standards Act. These individuals are considered exempt from minimum wage and overtime pay requirements and their primary duty is one or more of the following:

- Work requiring knowledge of an advanced type in a field of science or learning, customarily obtained by a prolonged course of specialized instruction and study.
- Work that is original and creative in character in a recognized field of artistic endeavor, the result of which depends primarily on the employee's invention, imagination or talent.
- Work as a teacher certified or recognized as such at Kirkwood.

These individuals must consistently exercise discretion and judgment and do work that is predominantly intellectual and varied, as distinguished from routine, mental, manual, mechanical or physical duties; and they must not spend more than 20 percent of their work time on activities not essentially a part of and necessarily incident to the professional duties.

Non-Exempt Staff

This includes persons working at Kirkwood and considered non-exempt from minimum wage and overtime pay requirements of the Fair Labor Standards Act. This would include secretarial/clerical, most custodial/maintenance and most technical positions.

Instructional Staff

Persons working at Kirkwood as instructors, counselors or librarians will be considered instructional staff.

Faculty titles at Kirkwood in relationship to years of service are as follows:

Instructor

During probation (minimum three years for faculty hired after January 1, 1999; minimum two years for faculty hired prior to January 1, 1999)

Assistant Professor

After probation; served by all faculty for five years

Associate Professor

After completion of five years of Kirkwood Community College teaching experience at the Assistant Professor level; served by all faculty for a period of five years

Professor

After completion of five years of Kirkwood Community College teaching experience at the Associate Professor level

Titles are updated on an annual basis effective August 30 of each year. Persons must be hired prior to October 1 in order to be considered for movement.

Issuance of Contracts**3.4**

Individuals employed in a licensed administrative position will be issued a continuing contract under the provisions of Iowa Code Section 279.

Instructors, counselors and librarians will be issued a contract under the provisions of Iowa Code Section 279.

Contracts shall be approved by the Board of Trustees, signed by the Chair and Secretary of the Board of Trustees and filed in the Human Resources office.

Faculty contracts will be issued annually for the period of the bargaining unit agreement, September 1 through August 31. Employees will have three weeks in which to review, sign and return their contract to Human Resources.

Contracts issued for grant or other agency funded positions will be issued as contingent upon funding from external, non-Kirkwood sources.

Individuals employed in the category of non-exempt staff will not be issued a contract.

Job Descriptions

3.5

Job descriptions shall be developed and maintained on every Board-approved full-time in the college. Descriptions shall include job responsibilities, performance expectations, general physical activities and minimum qualifications.

Job descriptions should be reviewed and updated regularly by each designated administrator and the employees he/she supervises.

Employee Associations

3.6

Kirkwood Faculty Association (KFA)

All employees covered by the Master Agreement, a contract negotiated between the college and the Kirkwood Faculty Association, should refer to the agreement with regard to their conditions of employment in addition to those described in this document. Should there be any inconsistency between the Master Agreement and this handbook, the Master Agreement shall prevail.

A list of current KFA officers is available on the KFA website.

Kirkwood Staff Association (KSA)

Board-approved office, professional, technical and service staff are represented by KSA. The purpose of KSA is to promote the welfare of its membership and provide a voice in the determination of the terms and conditions of employment for these employees. Some positions within the college are exempt from participating in KSA such as non-administrative supervisors, administrative assistants to Cabinet members, and Human Resources and Financial Management Staff.

A list of current KSA officers is available on the KSA website.

Work Hours

3.7

It is the policy of Kirkwood that offices will be staffed from 8 a.m. to 5 p.m., and it is expected that a staff person will be available to respond to phone calls. Employees are expected to be at their work site at the time arranged with their supervisor(s). For many employees that will be 8 a.m., although work hours may vary according to shift or work assignment. If it is not possible to be at the work site at that time, it is necessary for the employee to call the appropriate person in the department to inform them of the predicted length of absence.

All employees working 30 or more hours per week should be receiving a minimum 30 minute unpaid lunch break.

Absences

3.8

Prior to taking a leave of absence for purposes of vacation, personal leave, military or jury duty, or other planned absence, an Employee Leave Report, available in each department, and on the Human Resources website, should be submitted to and approved by the immediate supervisor. Employee Leave Reports should be submitted at least two weeks prior to the scheduled leave date, unless the request is due to an unexpected emergency. The nature of the emergency should then be shared with the supervisor.

Employee Leave Reports to request paid leave for an absence due to personal illness, family illness or bereavement leave should be completed upon return from the absence.

All employees are expected to work on a regular and consistent basis, completing their regularly scheduled hours per week. Excessive absenteeism may result in disciplinary action, up to and including termination. Disciplinary action taken because of absenteeism will be considered on an individual basis, following review of the employee's absentee and overall work record.

Any employee who does not call or report to work for two consecutive work days will be considered to have voluntarily resigned employment at Kirkwood. Supervisors experiencing this situation should contact Human Resources immediately.

Overtime Provisions **3.9**

Non-exempt employees are eligible to receive overtime compensation at the rate of one and one-half times their regular rate of pay for hours in excess of 40 in any one week period, which runs Sunday through Saturday.

Overtime worked by non-exempt employees must be approved in advance by the employee's immediate supervisor. Employees are not permitted to work beyond 40 hours in one week without supervisory approval; nor is it permissible for employees to voluntarily work through lunch breaks.

The college does not have a compensatory time policy. Employees working overtime must be paid overtime as noted above. This is not optional. Any hourly employee being asked to work more than 40 hours in one week without overtime pay or for compensatory time should contact Human Resources.

Overtime Provisions/Full-Time Hourly Working Part-Time Assignments **3.9.1**

The Wage and Hour division of the Department of Labor is the enforcement agency of the Fair Labor Standards Act (FLSA) and has issued guidelines on various wage and hour issues.

This section addresses the situation in which regular, full-time, hourly employees are working an additional part-time assignment. Usually, the assignment is in a different department from the regular position and is a distinctly different type of position (e.g. a full-time clerical support person working evenings and weekends at the concession stand at the ballpark).

This type of situation is legally permissible. However, the FSLA requires that, even in such a situation, the employee must be paid time and one half for all hours over 40 worked in one week. The law explains that the two different salary levels need to be combined and to calculate the regular hourly rate (total earnings divided by total number of hours worked) which is then used for time and one half calculation.

Using the example above, this is what would happen:

Full-time office support person works 15 hours per week, evenings and weekends at the ballpark.

| | | |
|-------------------------------------|-----------------|---------------------|
| Earns \$10.80 per hour x 40 hours = | \$ 432.00 | office support work |
| Earns 7.00 per hour x 15 hours = | 105.00 | concession stand |
| Total for week | <u>\$537.00</u> | |

\$537 / 55 hours worked = \$9.76 per hr

Requires the 15 hours overtime to be paid at \$9.76 x 1.5 = \$14.64 per hour

The overtime requirement applies when the part-time work is regular and consistent for more than 30 days.

There is work considered to be “occasional and sporadic” that a non-exempt, hourly employee could perform without receiving overtime pay. The duration of employment would be temporary and very short term, no more than a few hours duration. The work would have to be of a nature totally different from their primary assignment and department. For example, an office support person from Department A could be the timekeeper at a ballgame for Department B; or an account clerk could teach a one-time only, 3 hour continuing education class.

These rules apply when the individual’s primary assignment is hourly and non-exempt from the overtime laws.

This law does not affect full-time exempt employees, as they are not eligible for overtime. The Fair Labor Standards Act is very specific regarding exempt and non-exempt positions and each of Kirkwood’s positions has been reviewed for this purpose. Kirkwood will continue to review positions as jobs change and positions are vacated.

Payroll Period and Pay Dates **3.10**

Payroll is processed the 15th and the last working day of each month, or on the preceding Friday if those dates fall on a weekend. Employees can access their pay advice on the Kirkwood EagleNet for employees.

Non-exempt employees need to complete a time sheet for each payroll period, which must be approved and signed by their supervisor.

Tampering, altering, or falsifying time records or recording time on another employee’s time record is not allowed and may result in disciplinary action, up to and including termination.

Payroll Deductions

3.11

Deductions from an employee's gross pay period earnings are of two types: mandatory and voluntary. Mandatory deductions are those required by law, court order or other legally compelling influence on payroll. Kirkwood is required by law to make the following deductions from an employee's check:

- Federal income tax
- Social Security tax (FICA)
- State tax
- Court-ordered garnishments (when required by law)
- Retirement program upon meeting eligibility requirements

The amount of tax deductions depend on the employee's income level, marital status and number of allowances the employee claims on the W-4 form.

Voluntary deductions are those requested by employees to be made on their behalf and may include family medical, dental or vision insurance, tax-sheltered annuities, etc. Voluntary deductions will not be made without the employee's written request or authorization and advanced approval from the Human Resources office and/or Business Services office.

Hiring Independent Contractors

3.12

The question is often raised as to whether someone hired can be referred to as an independent contractor versus a Kirkwood employee. Employee status triggers employer obligations under various federal and state statutes which do not apply to independent contractors. Because of the potential liability to Kirkwood, Human Resources has put together an Independent Contractor Checklist. This completed checklist should be attached to purchase orders submitted to hire someone for the first time on an Independent Contractors basis. Once this form is one file, another one will be need to be submitted again to hire the same individual/firm.

Contact Human Resources for a copy of the checklist or visit the Human Resources forms page under Independent Contractor Checklist.

Employee Separation Procedure

3.13

In the event that a Board-approved employee chooses to terminate his or her employment with the college, they are asked to submit a letter of resignation to their supervisor stating their last date of employment and reason for leaving. A two-week notice of resignation is requested, if possible. The supervisor will notify and forward the letter of resignation to the Human Resources office. A letter of resignation for regular retirement should be submitted three months in advance to allow for planning. For retirement under Kirkwood's Retirement Incentive Program, please see Section 4.17.

The employee's last day of employment is the last in which they actually work for the college, the last day in which they will be paid, and will be their unofficial termination date. Accrued/earned and banked vacation will be paid out in one lump sum on the final paycheck. With the exception of those retiring under the Retirement Incentive Program, vacation will not be paid out on a day-to-day basis after the employee's official termination date.

When the letter of resignation is received by the Human Resources office, a separation letter will be sent to the resigning employee. This letter will outline details the resigning employee will need to be aware of, such as continuation of insurance (COBRA), converting life insurance, and options with regard to the retirement plan.

The separation letter will also include a copy of Kirkwood's exit interview questionnaire. The resigning employee will be invited to schedule an exit interview with the Director of Human Resources to assure proper handling of personal and business matters. The employee should make every effort to return all college-owned property and settle any indebtedness to the college prior to their exit interview. The employee will be required to return all college keys, employee identification card, telephone calling card and charge card (if one has been issued in the employee's name).

Information provided on the exit interview questionnaire and during the exit interview may be shared with appropriate individuals in order to improve employment conditions at Kirkwood.

Only the following information will be provided to prospective employers seeking information on Kirkwood employees:

- Date hired
- Last day worked
- Last position held
- Final salary

Release of any other information will require written permission from the employee, which can be provided on the exit interview questionnaire.

Reference check calls received by supervisors should be forwarded to Human Resources.