

# HR Guidance

## *Temporary Staff Appointments*

Temporary appointments are not intended to replace a department's regular staffing strategy; however, they are a great way to fulfill immediate or limited term hiring needs. The following guidance has been developed in consultation with university policy, Affordable Care Act (ACA), Fair Labor Standards Act (FLSA), and the Colorado Equal Pay for Equal Work Act (CEPEWA).

Temporary appointments follow the employee and not the position.

### **Job Codes**

**Classified (job code P1A1XX)** - Classified positions are governed by the State of Colorado and follow their classification and minimum qualifications procedures. Jobs in this series do not require a bachelor's degree. (610 or 611 funded)

**Professional (job code 2582)** - In a professional position, the role involves the exercise of discretion, analytical skill, and judgment. Requires a bachelor's degree, but an educational equivalency statement may be used in substitution of a degree.

**Alternate Funding (job code 2702)** - Grant, gift, and/or auxiliary funding (no 610 or 611 funding). Jobs in this series do not require a bachelor's degree.

**Research (job code 1314)** - Professional role with duties that involve conducting research. In a professional position, the role involves the exercise of discretion, analytical skill, and judgment. Requires a bachelor's degree, but an educational equivalency statement may be used in substitution of a degree.

About Temporary Employees:

- All temporary appointments are set up as biweekly/hourly. As a result, these positions are FLSA non-exempt and overtime eligible.
- Temporary employees are only eligible for sick leave benefits. They are afforded sick leave at the temporary rate (i.e. 0.034 hours of sick leave for every hour worked). No compensation for unused sick leave shall be paid upon separation for the university. Temporary employees are not eligible for any other benefits.
- There is not a pathway directly from temporary to permanent employment outside of participating in a search process. Temporary employees are invited to apply for open positions.

## Time Limits

Under the Employer Shared Responsibility Provisions of the Affordable Care Act (ACA), large employers must offer health coverage that meets Minimum Essential Coverage (MEC) requirements to a percentage of their full-time employees or be exposed to possible penalties. This impacts the time a temporary employee can work for the university.

### Classified (job code P1A1XX)

- Limited to nine (9) months of continuous employment in a rolling twelve (12) month period.
- Requires a 4-month break between any additional temporary CU appointment after 9 months.
- The nine (9) month period is counted from the appointment start date, not from January 1st or July 1st. For example, if the first date worked is December 15th, then the appointment can be from December 15th through September 14th.
- Posting is not required if truly a temporary position that will not exceed 9 months and a pre-determined candidate is identified.

### Professional (job code 2582), Alternate Funding (job code 2702), Research (job code 1314)

Departments must determine what their temporary staffing needs are **before** they finalize an appointment and decide on the most appropriate work schedule (e.g. variable, consistent, and number of hours). Nine (9) month appointments cannot be converted to twelve (12) months.

#### Nine-Month Appointments

- Hours worked can be any amount and can exceed an average of 30 hours a week. This appointment is limited to nine (9) months of continuous employment in a rolling twelve (12) month period.
- Requires a 4-month break between any additional temporary CU appointment after 9 months.
- The nine (9) month period is counted from the appointment start date, not from January 1st or July 1st. For example, if the first date worked is December 15th, then the appointment can be from December 15th through September 14th.
- Posting is not required if truly a temporary position that will not exceed 9 months and a pre-determined candidate is identified

#### Twelve-Month Appointments



- Hours worked are limited to less than an average of 30 hours per week and a total of 1,560 hours in a rolling twelve (12) month period. This appointment requires a six (6) month break between appointments due to the weekly average requirement in the rolling twelve-month period. In no case, can the individual work more than 1,560 hours or exceed 12 months.
- One or more days worked within a month is counted as a whole month. For example, if the first date worked is December 15th, then the appointment can be from December 15th through November 14<sup>th</sup> regardless of how many days they worked in any month.
- Twelve-month appointments require a posting, even if a pre-determined candidate is identified.
- There is no scenario in which a temporary employee can exceed 12 months.

## Hiring Temporary Employees

### Hiring Process

1. Submit a request via the [Temporary Questionnaire Form](#).
2. Central HR Operations will notify you of what job code.
3. Once you receive an approval email from Human Resources:
  - a. Create a new position or update an existing position in HCM based on the approval received.
  - b. Email HR New Temp ([Find Your HR Ops Consultant](#)) with:
    - i. The position number for approval.
    - ii. Draft offer letter using a current template.
4. Once position and offer letter draft is approved:
  - a. Submit a fully signed copy of the letter of offer to HR New Temp ([Find Your HR Ops Consultant](#)).
  - b. Enter or update the individual's information and hire or transfer into HCM and notify HR New Temp ([Find Your HR Ops Consultant](#)) with the hire transaction number.
  - c. Complete onboarding activities (e.g. background check, I-9, badging)

## Multiple Appointments

### More than one temporary appointment:



- A temporary employee can have more than one temporary appointment as long as both appointments fit within the time/hour limitations listed in the Time Limitations section.
- Temporary appointments follow the person and not the position. A temporary employee cannot work for one department, then work for another department/ CU campus during the required break period.
- Before a hire is made, departments are advised to determine if the individual they are considering for temporary work has performed any temporary work for the University in the past 12 months.

### **Regular appointment and a temporary appointment:**

It becomes complicated to ensure we maintain compliance with multiple employment regulations when an employee has both a regular and temporary appointment.

Considerations to make include:

- Is the employee already a full-time employee at CU?
  - Employees cannot be more than 1.0 FTE.
  - If the employee is part-time, both appointment hours count towards the ACA calculation.
- Is the employee in one or more overtime eligible position?
  - The Federal Fair Labor Standards Act (FLSA) regulations set forth the criteria and requirements for determining if a position, based on its specific job duties and level of responsibility, qualifies for exemption from requirements. Although employees may perform more than one job for an employer, an employee may only have one Fair Labor Standards Act (FLSA) designation—either exempt or nonexempt.
  - The “primary duty,” as described under 29 C.F.R. §541.700, must be that of exempt work for a position to be considered exempt. When looking at all the duties of the combined positions, if the “job” still meets the exemption criteria under the FLSA, then the employee may retain his or her exempt status; if not, the employee would lose the exemption status for both jobs and would have to be reclassified as nonexempt for both jobs.
  - If the combined duties of the two jobs would no longer allow the employee to remain in an exempt status, the employee would become nonexempt for both jobs, and overtime would need to be paid on all hours worked over 40 in a week basic rate on which to compute the overtime would be

the weighted average of the two wages, paid for by the job in which the overtime was earned.

- Eligible employees cannot waive their rights to overtime under the FLSA, nor can they agree to volunteer to perform similar duties for which they are normally paid.
- Will they be both monthly and bi-weekly?
  - This can cause complications when it comes to payroll. We recommend contacting [payroll@cu.edu](mailto:payroll@cu.edu) before finalizing appointments that lead to multiple pay modalities.

## Student Employees

Active CU students may not be placed in temporary staff job codes. Instead, they should be placed in an appropriate student job code.

## Temporary Services Through Staffing Agencies

- Processes for staffing agencies work through the CU Procurement Service Center (PSC).
- Information on how to buy temporary services can be found on the [PSC website](#).