

Temporary Employment

Personnel – Temporary Employment

EWU Policy 407-01

Effective: May 29, 2020

Authority: EWU Board of Trustees

Proponent: Vice President for Business & Finance

Purpose: This policy establishes standards for the management of temporary employment at Eastern Washington University, to include both student and non-student temporary employment.

History: This policy revises and supersedes EWU Policy 407-01 dated December 6, 2019 and was adopted by the EWU Board of Trustees on May 29, 2020.

Applicability: This policy applies to all temporary employees at Eastern Washington University.

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1. GENERAL

1-1. Responsibilities

- a. The Associate Vice President for Human Resources has overall responsibility for monitoring and controlling temporary employment for non-student employees and student employees.
- b. The Graduate Studies Office has overall responsibility for monitoring and controlling graduate service appointments.
- c. Supervisors select, hire, and direct the work of temporary employees for their department. It is the responsibility of every supervisor who directs the employment and work schedules of temporary employees to be familiar with, and to carry out the provisions of this policy. Supervisors are responsible to ensure that the employment of temporary employees is consistent with the requirements of this policy.

Temporary employees, which include student employees and graduate student appointments, are expected to conduct themselves and perform their duties in a professional and respectful manner. Temporary employees are expected to comply with University policies and procedures, state and federal law and all applicable regulations.

1-2. References

- a. Chapter 41.06 RCW – State Civil Service Law
- b. Title 357 WAC - Financial Management, Office of — State Human Resources Director
- c. Chapter 28B.12 RCW – State Work-study Program
- d. EWU 401-04: Volunteers

- e. Federal Student Aid Handbook
- f. Washington State Work Study Program Manual
- g. Academic Policy 303-22 (Graduate Students)

2. REQUIREMENTS AND RESTRICTIONS

2-1. General

This policy uses the term “temporary employment” to refer to temporary non-student employees, student employees, and graduate service assistants. Where the provisions of the policy are intended to cover all three groups, the term “temporary employment” is used. When the terms are directed at a particular group, a more specific term is utilized. Temporary employment positions are generally exempt from civil service rules per RCW 41.06.070.

Temporary appointments may be made without regard to civil service rules on recruitment, assessment, and certification as provided in RCW 41.06.010 & .070.

2-2. Restrictions

- a. Temporary employees shall not fill a position currently or formerly occupied by a classified employee during the current or prior calendar or fiscal year, whichever is longer, or take the place of a classified employee who was laid off due to financial or operational needs. However, a temporary employee may fill such a position on a temporary basis, in accordance with the collective bargaining agreement between the University and the Washington Federation of State Employees (WFSE). Temporary employees may only fill positions currently or formerly filled by bargaining unit employees represented by the Public School Employees of Washington in accordance with the applicable collective bargaining agreement.

- b. **Student Employment Priority:** Any temporary university position must first be posted and available for potential student candidates, unless Human Resources approves the position as a non-student position because of a compelling reason. This posting shall last 48 hours or until filled by a student. When a supervisor deems that the position requires skills or schedules which are unsuitable for students, the supervisor shall request that Human Resources approve a non-student position.

2-3. Student Employment and Educational Opportunities

- a. **Qualifications for Student Employment:** Students employees must meet the following conditions:

- 1) A student employee must meet the enrollment requirements described in section 3-2;
- 2) Student employees are only permitted to work a maximum of 516 hours in any six consecutive months (this averages to 19 hours per week), exclusive of hours worked on established academic breaks;
- 3) Student employees may have more than one position on campus; however, the combined hours may not exceed the weekly maximum; and,
- 4) Running Start students who meet the enrollment requirements in Section 3-2 are eligible to work in institutionally-funded positions, but are not eligible for Federal or State Work Study.

- b. **Arrangements Not Considered to be Employment:** the following academic and extracurricular activities are not considered to be "employment" and are not included with the term "student employment". For Internships and Training Opportunities listed below, students are only permitted to engage in such activities a maximum of 516 hours in any six consecutive months (this averages to 19 hours per week), exclusive of hours worked on established academic breaks:

- 1) **Internships:** Students who are participating in a documented and approved internship program which consists of an academic component and work experience are not considered to be "employees." Students may not volunteer or participate in an unpaid internship for which they have previously served as a paid student employee at EWU.
- 2) **Training Opportunities:** a student who is placed in a position, earning credit or not, directly related to the student's major field of study to provide a

training opportunity is not considered an "employee" if:

- i. the training is for the benefit of the student and the university derives no immediate advantage from the activities of the trainee,
- ii. the trainee does not displace a regular employee
- iii. the trainee works under close supervision,
- iv. the trainee is not entitled to a job at the end of the training and understand he/she is not considered to be an employee.

- c. **Extracurricular Activities:** students engaged in extracurricular activities, even if they receive some type of stipend or compensation, are not considered to be "employees" as the activity is conducted primarily for the benefit of the students and is part of the student's educational opportunities. This includes, but is not limited to, students elected to or appointed to a position in ASEWU or recognized student organizations, participants in sports or music, and student publications.

- d. **Residential Life/Housing Staff:** students who hold positions in Residential Life/Housing that are primarily for the benefit of the student and part of the student's educational opportunity at EWU, such as community advisors, are not considered "employees" for purposes of wages/ compensation under this policy in accordance with state and federal law, even if they receive a stipend or housing. However, Residential Life/Housing Staff positions are generally considered "employees" for purposes of appointment, background checks, termination, and compliance with university policies. Such positions may also be considered "employees" for the purpose of state benefit programs such as workers' compensation and paid family and medical leave.

2-4. Non-Student Employment

Non-Student employees are:

- a. not enrolled or are enrolled for less than the number of credits required by section 3-2 for student employees and,
- b. employed to work 1,050 hours or less in any 12 consecutive month period beginning with their original employment date.

3. STUDENT EMPLOYMENT

3-1. Restrictions

- a. **Conflicting Employment:** A student is not eligible for student employment if she/he has another non-student employment position at the university. This includes any temporary or permanent employment as classified staff, administrative exempt staff, or faculty.

A student employee who subsequently receives university employment in a non-student employment classification must be terminated from student employment status at least one day prior to commencing non-student employment.

- b. Eastern Washington University cannot act as a temporary employment agency. Students working for EWU departments may not be contracted out to non-EWU employers.

3-2. Enrollment Requirements

Student employees, including work study employees, must be enrolled as half-time students or more, as follows:

- a. Undergraduate and Post Baccalaureate students: minimum six quarter credits per quarter or six semester credits per semester.
- b. Graduate students: minimum four credits per term.
- c. Graduate student employees who have completed all course work on their approved Plan of Study, except for thesis or research work, must be enrolled for a minimum of two quarter/semester credits per term or one credit for the summer quarter of thesis or research, but are not exempt from FICA withholdings.
- d. International Students: International students on F-1 and J-1 visas may work on campus up to 19 hours per week while school is in session, as long as they are full-time student each academic quarter. To be considered full-time, students must complete, not just register for, a full course load each term (18 contact hours for English Language Institute students; 12 credits for undergraduate and post baccalaureate students and 10 credits for graduate students). An international student's eligibility to work must be certified by a Designated School Official (DSO).

3-3. Employment during Academic Breaks

To be eligible to work during a break period, the student employee must have been at least a part time student at EWU the term immediately prior to the break and must be registered to attend EWU as at least a part time student in a degree or certificate program in the term immediately after the break. Student employees are allowed to work in a student employment position up to 40 hours per week during break periods. Student employees may begin working more than 19 hours per week after completion of their last course requirements, including final examinations, projects, papers or other obligations. Graduate assistant's hours during the year or academic breaks are set forth below in chapter 5.

3-4. Summer Employment

- a. Eligibility for summer work study. Summer enrollment is not a requirement to work during summer break. To be eligible to work on campus during the summer, a student must fit at least one of the following

descriptions. All requests for exceptions are determined by Human Resources.

- 1) New incoming and former returning student presents evidence of admission.
 - 2) Continuing or returning students enrolled at least part time during the previous term and have preregistered for fall or have not been able to pre-register and who provided written assurance that they will be registered.
 - 3) Students enrolled at least part time during the summer term.
- b. Institutional Employment. Students employed under institutional employment in the summer must meet the enrollment requirements in Section 3-2.
 - c. FICA. Social security regulations make hourly employees subject to social security during summer session unless they are enrolled for at least six (6) credits as an undergraduate or five (5) credits as a graduate student. Students who were excluded from FICA during summer term continue to be excluded during the break between summer and fall. Students who were subject to FICA during the summer session will be assessed FICA and FICA Medicare during the break.

3-5. Work Study

- a. Earnings
 - 1) It is the department's responsibility to monitor and track all work study earnings to ensure students do not earn more than their term award amount. Any earnings that exceed a student's term award will be charged to the department's institutional index code by Human Resources.
 - 2) In the event that a student becomes ineligible for their work study the department will be responsible for all earnings for all hours worked.
 - 3) It is the student's responsibility to notify their supervisor immediately of any changes to their work study award or their eligibility for financial aid. Failure to promptly notify their supervisor may result in immediate termination.
- b. Work Study Matching
 - 1) Definition. "Work study matching share" is the percentage of wages outlined in the program plus benefit costs.
 - 2) Policy. Areas which provide direct support to departments funded by state dollars will be charged to the state funding pool for work study programs. Areas that are self-support are responsible for funding the work study matching share. Determination of the responsible funding area is determined through Human Resources

and the controller. Exceptions to this policy shall be approved through the office of the controller.

- 3) **Funding Areas.** (a) **State-funded Areas.** For positions supporting state-funded areas, the work study matching share is paid from the state funding pool for work study matching. (b) **Grant and Contract Activities.** For positions supporting grant and contract activities, the work study matching share is paid by the appropriate grant or contract. (c) **Service and Auxiliary Fund Areas.** For positions supporting service and auxiliary fund areas, the work study matching share is paid by the appropriate account. (d) **Other Areas.** For positions supporting grant and contract activities, work study matching is paid by the appropriate account. Exceptions to this situation are any course fee accounts which are paid from the state funding pool for work study programs.

4. NON-STUDENT EMPLOYMENT

4.1. Hours

Non-student temporary employees may work up to 29 hours per week. Non-student employees are not permitted to work more than 29 hours per week or more than 1,050 hours in any 12 consecutive month period.

4-2. Inclusion in Collective Bargaining

Temporary non-student employees who exceed specified working hour limits may be included in an appropriate bargaining unit for purposes of collective bargaining. Working hour limits and additional details are contained in Appendix A of the current bargaining agreement between Eastern Washington University and the Washington Federation of State Employees (WFSE).

4-3. Remedial Action

Temporary appointment under the provisions of this section may be subject to remedial action by the State Human Resources Director within the Office of Financial Management (OFM) in accordance with WAC 357-19-450, when the following conditions exist:

- a. The employee has worked in one or more positions for more than one thousand fifty (1,050) hours in any twelve (12) month period since the original hire date. (Overtime and time worked as a student under the provisions of WAC 357-04-040 are not counted in the one thousand fifty (1,050) hours.)
- b. The position or positions are subject to civil service.
- c. The employee has not taken part in any willful failure to comply with these rules.

5. GRADUATE SERVICE APPOINTMENTS

5-1. Definition of a Graduate Service Appointment

Graduate service appointments are offered on a competitive basis to graduate students in accordance with Academic Policy 303-22 (Graduate Students), chapter 9. Graduate assistantships are closely tied to a graduate student's field of study and are intended to give the graduate student an opportunity for professional development. Graduate assistantships are distinct from internship opportunities.

5-2. Appointment, Eligibility & Duties

The method for being appointed to a graduate assistantship, eligibility criteria, and duties are set forth in chapter 9 of Academic Policy 303-22.

5-3. Hours Worked & Other Employment

Graduate assistants are required to work an average of 20 hours per week pursuant to RCW 28B.15.615. However, in no case may a graduate assistant work more than 29 hours per week during the academic year, including during breaks. Additionally, during the academic year, a graduate assistant may not be employed by the university in any other position. Graduate service assistantships do not extend through the summer.

A graduate assistant must document all hours worked and submit those hours in accordance with section 6-2. "Hours worked" includes time spent by the graduate assistant preparing for or teaching a course, grading papers, leading discussion groups, or overseeing a laboratory. "Hours worked" does not include time spent by a graduate assistant on the student's own research or study.

5-4. Compensation & Benefits

Graduate assistants are generally appointed for one academic year at a time. The graduate assistant receives a tuition waiver for the academic year when they serve in the position. In addition, the graduate assistant receives compensation that meets or exceeds minimum wage for all hours worked.

Graduate assistants are entitled to the benefits and leave set forth in chapter 7. In addition, graduate assistants may enroll in student health insurance through the university and the university will pay a portion of the health insurance costs. The amount of the university's contribution will be determined on an annual basis and communicated to graduate assistants in advance of each academic year.

6. ADMINISTRATION

6-1. Employment Requirements

- a. **Background Check:** A temporary employee must successfully pass a background check for employment in accordance with EWU Policy 401-03. Such background checks shall be completed prior to employment absent written approval from the

Associate Vice President of Human Resources or his/her designee.

- b. **Employment Documents:** Supervisors must ensure that required employment forms and documents are completed. Necessary items are available through Human Resources.
- c. **Overtime:** If a temporary employee works in more than one department and submits over 40 hours in one week, the department that caused the overtime shall be charged overtime pay for the hours worked over 40. State work-study funds shall not be used to pay overtime compensation.
- d. **Hours Worked:** Employees will be paid in accordance with state and federal law and any applicable collective bargaining agreement.
- e. **Meal and Rest Periods:** For every four consecutive hours worked, employees receive a paid fifteen-minute rest period, which will be allowed no later than the end of the third hour of the shift. Employees who work for five or more consecutive hours, will receive a half-hour unpaid meal period. Employees must work at least two (2) hours into the shift before the meal period can be used and cannot start more than five (5) hours after the beginning of the shift.
- f. **Holidays:** Temporary and student employees can only be compensated for actual hours worked. They may work on holidays at their usual rate of pay. No additional compensation shall be paid to temporary employees who work on holidays. A Work Study student may not be compensated for working a holiday from work study funds and must be paid fully by department funds. Hours worked on a holiday count toward a student employee's 516-hour limit, unless those hours occur during an academic break. For student employees, holidays are the same as those recognized in EWU Policy 403-01 and RCW 1.16.050.

6-2. Time Sheets

Timesheets shall be completed by the second working day following the end of the pay period. Timesheets shall accurately reflect any sick leave taken. Submission of a time-sheet certifies that the hours reported worked during a pay period are accurate and complete. Supervisors are required to approve or deny timesheets in a timely manner. Student employees, regardless of supervisory status, are not authorized to approve or deny time sheets. Supervisors who knowingly approve of a timesheet that delays or inaccurately reports hours worked is a violation of University policy.

6-3. Job Descriptions

Departments requesting temporary employees will provide a job description for the position. A copy of the job description will be forwarded to Human Resources or the Graduate Studies Office (for graduate service

appointments). Copies will also be kept by the department and provided to the employee.

6-4. Job Classifications/Pay Rates

Hourly Paid Positions: Most temporary positions are paid on an hourly basis. Current job classifications and pay levels are available through Human Resources and the Graduate Studies Office (graduate service appointments). Temporary employees may not be paid a rate of pay higher than the entry level pay of a classified person in a comparable position without approval of the Human Resource Services Manager.

Special Rate Positions: An agreed-upon sum is paid in return for services rendered when the assignments or project is completed. This may include a one-time assignment or a series of related assignments or projects. The agreed-upon sum must meet or exceed the minimum wage.

6-5. Pay Raises

Pay increases for all temporary employees are discretionary. Temporary employees are eligible for a pay increase when they have worked 450 hours at the same job in the same department. Pay increases will take effect in the pay period following the pay period in which the pay increase is approved.

Supervisors may also initiate a pay increase at any time based on increased job duties and responsibilities. Supervisors are responsible for tracking hours worked for temporary employees and for requesting pay increases in a timely manner. Increases must be authorized by Human Resources when they exceed established guidelines. Retroactive raises will not be given.

6-6. Problem Resolution

If a temporary employee believes that he/she has been unjustly treated with regard to job classification, increases in pay, work assignments, or any other employment related issue, he/she shall discuss the issue with their immediate supervisor.

If the problem cannot be resolved after meeting with the immediate supervisor, employees may contact Human Resource Services Office or the Graduate Studies Office (for graduate service appointments) for assistance.

6-7. Termination and Resignation

- a. Temporary non-student employees and student employees are at-will and may be terminated at any time. All disciplinary and termination decisions must be approved by an individual serving in the capacity of president, vice president, dean, or associate vice president or their designees. Student employees are not authorized to make hiring, disciplinary or termination decisions.

Graduate assistants may be terminated for adequate cause. Adequate cause for termination of a graduate

assistant includes failing to meet the academic probation policy, misconduct, violation of a policy, or failing to satisfactorily perform duties. A graduate assistant terminated for adequate cause may be required to repay all or a part of the tuition waiver received. All disciplinary and termination decisions of a graduate assistant must be approved by an individual serving in the capacity of president, vice president, dean, or associate vice president or their designees.

- b. A temporary employee may resign at any time. Whenever possible, employees should give the employer two week's written notice prior to resigning their position. A graduate assistance who resigns from a graduate service appointment may be required to repay all or a part of the tuition waiver received.

7. BENEFITS AND LEAVE

7-1. General Benefits

Temporary employees are generally not eligible for employee benefits such as health insurance or retirement. In exceptional cases, however, a temporary employee may become eligible for health and/or retirement benefits. Specific details are available in the Benefits Office.

Full-time students are exempt from PERS membership under WAC 415-108-520. At the time of employment, students receive a copy of the WAC and a Statement of Personal Ineligibility for Membership in the Washington Public Employees Retirement System form to sign.

Temporary employees participate in the Washington State Industrial Insurance program, which provides coverage for on the job injuries and occupational diseases as provided in RCW 51.

7-2. Paid Sick Leave

- a. Accrual of Sick Leave:

Starting with the first day of employment, temporary employees shall accrue paid sick leave for all hours worked including overtime. Temporary employees shall accrue one (1) hour of sick leave for every forty (40) hours worked as an employee.

- b. Usage

Temporary employees may use paid sick leave up to the amount accrued under the following conditions:

- 1) Absence resulting from an employee's mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;
- 2) When the University has been closed by order of a public official for any health-related reason, or

when an employee's child's school or place of care has been closed for such a reason;

- 3) To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care. "Family member" means any of the following:
 - i. A child, including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status;
 - ii. A biological, adoptive, de factor, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;
 - iii. A spouse;
 - iv. A registered domestic partner;
 - v. A grandparent;
 - vi. A grandchild; or,
 - vii. A sibling.

- 4) Domestic Violence Leave as provided EWU Policy 403-05 (Employee Leave related to Domestic Violence, Sexual Assault & Stalking).

- c. Reporting and Verification of Sick Leave.

Temporary employees must notify their supervisor (or designee) as soon as reasonably possible when they will be absent due to illness or injury. If an employee is in a position where a relief replacement is necessary if they are absent, he or she will notify their supervisor at least two (2) hours prior to their scheduled time to report to work, whenever possible. The University may require a written medical certificate for absences of three (3) or more consecutive days or where there is reason to suspect sick leave abuse.

- d. Cash Out of Sick Leave.

No sick leave earned under this policy may be cashed out.

- e. Carry Over

A temporary employee may not carry more than forty (40) hours from one calendar year over to another.

- f. Re-employment or change of employment status.

If a temporary employee separates from employment at EWU and is rehired within twelve months by EWU, the employee's accrued unused sick leave will be reinstated. If a temporary employee transfers into a permanent or non-temporary position at EWU, the employee will retain any unused sick leave accrued

as a temporary employee. Non-compensable sick leave earned under this policy must be used prior to any compensable sick leave accrued in a non-temporary position.

- g. Eastern Washington University cannot interfere with, restrain, or deny the exercise of any employee right provided under or in connection with chapter 49.46 RCW, the Minimum Wage Requirements and Labor Standards.