



Policy 04:001 – Employment

University employees are classified by the following employee categories:

1. Faculty – one who holds faculty rank and whose primary appointment is to engage in academic instruction, research, and service.
2. Staff
 - a) Staff Exempt – one who holds a position of executive, administrative or managerial responsibility, or a position that requires recognized professional achievement acquired either by formal training or equivalent experience; and, who meets the appropriate salary test and other provisions of the Fair Labor Standards Act (FLSA).
 - b) Staff Non-exempt – one who is neither primarily engaged in academic instruction, research or service nor charged with administrative or managerial responsibility; and, who is not exempt from the provisions of the FLSA.
3. Student – one whose primary activity is enrollment in academic courses.

Employment decisions are based on the needs of the University. Such decisions are determined by qualifications and suitability, without regard to race, color, religion, gender, age, disability, national origin or disabled veteran/Vietnam era veteran status, and in keeping with applicable state and federal laws. University recruitment and appointment procedures are designed to ensure that the most experienced, qualified, and competent individuals are appropriately appointed to lead, assist, and support the University in fulfillment of its statutory mission. Detailed recruitment and appointment procedures are available from the Office of Human Resources.

The State of Alabama is an employment-at-will state. A staff employee is free to resign from employment with the University at will and the University is free to terminate the employment relationship at will. Neither the University's policies or practices nor its *Staff Handbook* alter the at-will relationship.

Split appointments occur when an employee is employed in two or more employee categories. When an employee is employed as a regular faculty employee, the faculty appointment prevails. When an employee is employed in any capacity as a student employee, the student status prevails and the employee ceases to be eligible for benefits associated with other types of appointments. When it is necessary to consider a split appointment, regardless of

the duration of the primary or secondary assignment, the budget director or hiring manager must contact the Office of Human Resources to validate FLSA compliance.

Outside Employment

Employment with the University shall be the primary work related obligation for its regular, full-time employees. Outside employment may be authorized only if (1) it does not interfere with the employee's University-related responsibilities; (2) the employee's affiliation with the University is not used to acquire the outside position; and (3) the outside employment does not present a conflict of interest on the part of the employee as defined in this policy, applicable provisions of the Alabama Ethics Law, and related provisions of University policy and procedure. Any conflict between this policy and applicable provisions of the Alabama Ethics Law shall be controlled by the Ethics Law.

For purposes of this policy, a conflict of interest that would preclude outside employment exists under any of the following circumstances:

- 1) When the purposes, policy objectives, or practices of the outside employer are inconsistent with the mission of the University or its operational standards as reflected in the University's statutory charter, its policies and procedures, and like official pronouncements;
- 2) When the nature or extent of the duties imposed on the employee by the outside employer impede or could reasonably be expected to impede the employee's ability to meet his or her responsibilities as a University employee;
- 3) When the outside employment poses an unacceptable risk of noncompliance with governing ethical, legal, or policy-based standards or requirements;
- 4) When the outside employment creates or could reasonably be expected to create the appearance of a conflict of interest or other impropriety on the part of the employee, undermines or could reasonably be expected to undermine public, charitable, or governmental support for the University, has had or could reasonably be expected to have an adverse effect on faculty and/or staff morale, has called or could reasonably be expected to call the integrity of the University's employment or governance policies and practices into question; or
- 5) Has had or could reasonably be expected to have any other identifiable adverse effect on the University's legitimate interests.

For purposes of this policy, "outside employment" means any position or external engagement that entails work at any level of the outside employer's organization requiring a regular or sustained commitment of the employee's time and skill, whether or not the employee receives compensation or financial benefit for the work performed. It includes positions held or work performed for private, not-for-profit, and public employers, as well as positions held or work performed as an elected or appointed public official.

Before applying for, pursuing or accepting outside employment, University employees must obtain their supervisor's approval and consult with the Director of Human Resources as hereinafter provided. University work assignments and schedules are designed to meet the

needs of the University and its students, and take precedence over any outside employment. When approved outside employment conflicts or overlaps with the employee's regular UM work schedule, time away from the job must be separately approved by the appropriate supervisor and may be charged against the employee's vacation or compensatory time, or treated as unpaid leave. Outside employment of faculty members should be related or complementary to their academic field or specialty, may not exceed the equivalent of one work day a week, and may not require revision of teaching schedules.

The University's Director of Human Resources shall be responsible for administration of this policy. Prior to applying for, pursuing, or accepting outside employment, University employees shall first obtain the approval of their supervisor and then consult with the Director of Human Resources for specific guidance to ensure that the proposed outside employment does not conflict with UM policy or with applicable law. The President may issue additional rules, requirements, and procedures as he or she may deem necessary to implement the policy or to otherwise achieve its objectives.

Employment of Adjunct Faculty

The University recognizes that adjunct faculty can enhance the effectiveness of academic programs. However, no more than 25% of the courses in a college should at any time be taught by adjunct faculty. The department chair and academic dean are responsible for monitoring the numbers of adjunct faculty, their qualifications, and their availability to students outside of class time. Academic deans and department chairs are responsible for appropriate orientation, supervision and evaluation of adjunct faculty.

Employment of Minors

No person under the age of sixteen may be employed by the University. Minors who are sixteen or seventeen may be employed under the following conditions:

1. The employment must not interfere with the minor's health or well-being.
2. The employment may not be during those hours when the minor is required to attend school.

Minors may not be assigned certain hazardous activities such as motor vehicle driving, operation of circular saws and band saws, operation of various power-driven machinery, wrecking, demolition, roofing, etc. A complete listing of such occupations is maintained in the Office of Human Resources.

Employment of Relatives (Nepotism)

Employment of relatives is permitted. However, no University employee may make decisions regarding hiring, promotion, salary, job assignment, performance evaluations, discipline or termination affecting another immediate family member.

Immediate family includes spouse, son or daughter, foster child, grandchild, parent, foster parent, grandparent, brother or sister, foster brother or sister, guardian and ward. Also included are the step-, half-, and in-law relationships as appropriate based on the above listing. The immediate family also includes others living in the same household or otherwise so closely identified with

each other as to suggest difficulty, including persons engaged in amorous or dating relationships, and those engaged to be married.

Employment of University and State of Alabama Retired Employees

Retired faculty and staff may be rehired or other members of the Retirement Systems of Alabama may be hired on the basis of their skills and abilities and the needs of the University. Such employment will be subject to the terms and conditions established by the Teachers' Retirement System of Alabama.

Employment of Student Workers

When employing student workers, all federal and state employment laws must be followed. An individual may not be appointed to a student worker position and a non-student position concurrently.

Persons hired as student employees must be currently enrolled or have been admitted for enrollment at UM.

Student employees are paid for every hour worked at a rate equal to the current minimum wage rate as set by the Federal government. During a semester a student may not work more than an average of twenty hours per week.

Occasionally, situations arise which require the hiring of students with specialized or technical expertise. When necessary, the student may be hired at an hourly rate which does not exceed the current minimum wage plus \$2.00. The special circumstances and hourly rate must be recommended in advance by the Dean/Director and approved by the Division Head. In extraordinary circumstances, a higher rate of pay may be recommended in advance by both the Dean/Director and Division Head and approved by the President.

This policy does not apply to scholarships, stipends and/or salaries paid to students employed as Resident Assistants, Hall Directors, and Graduate Assistants.

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