

300.1 Position Classifications

Purpose To establish the proper classification of faculty and staff positions.

Definitions A Position Classification refers to the description of a position in terms of duties, responsibilities, core competencies and qualifications that result in the assignment of a salary range and determination of exempt/nonexempt status.

An Employee is an individual who is employed by Rensselaer in which the Institute has the right to control and direct the individual with regard to the result to be accomplished **AND** the process by which the result is accomplished. "Employee" also includes faculty.

An Exempt Employees is defined as an employee who is not subject to overtime pay provisions under federal and state laws.

A Non-Exempt Employee is defined as an employee who is entitled to overtime pay of at least one-and-one-half (1½) times their regular rate for hours worked in excess of 40 in any workweek.

A Fixed-Term Employee is defined as an employee who is hired by Rensselaer to work for the duration of a specific project or assignment that generally does not extend beyond a 12-month period.

An Interim Appointment is defined as a temporary appointment of an externally-hired employee while a competitive search is being conducted, or when a portfolio or department is being reorganized to improve organizational or operational efficiency.

An Acting Appointment is defined as a temporary appointment of an existing employee while a competitive search is being conducted, or when a portfolio or department is being reorganized to improve organizational or operational efficiency.

Contingent Faculty refers to non-tenured faculty who are hired to assignments that are typically of one to three years duration and may be renewed.

A Temporary Employee is defined as an employee who is hired by Rensselaer to work for the duration of specific projects or assignments that generally does not extend beyond a six-month period.

Policy It is the policy of Rensselaer to classify all its positions as exempt or nonexempt in accordance with the provisions of the Fair Labor Standards Act (FLSA) and relevant state law.

Procedure It is the responsibility of the Division of Human Resources to determine the appropriate classification of all faculty and staff

positions.

The Division of Human Resources is also responsible for informing new hires of their:

- Employment classification, start date, pay rate, pay days;
- Eligibility under Rensselaer's employee benefit plans;
- Exempt or nonexempt status; and
- Overtime rate for nonexempt staff.

Such information is also communicated to employees on their acceptance of a new position within Rensselaer and when necessary due to a change in employment status—for example, changing from full-time to part-time status.

Rensselaer's position classifications are established for a regular and contingent workforce. The regular workforce consists of full-time and part-time regular employees, who can be exempt or nonexempt. A **Non-exempt Employee** is an employee who is entitled to overtime pay of at least one-and one-half (1½) times their regular rate for hours worked in excess of 40 in any workweek. An **Exempt Employee** is not subject to overtime, and is determined to be an executive, administrative, professional or computer employee, or outside sales representative as defined by the Fair Labor Standards Act and relevant state law.

The contingent workforces consists of the following types of appointments:

- **Fixed-Term** appointments generally do not extend beyond a 12-month period, unless approved by Rensselaer's Vice President for Human Resources or his designee. Fixed-term employees can be exempt or non-exempt.
- **Temporary** appointments generally do not extend beyond a six-month period, unless approved by Rensselaer's Vice President for Human Resources or his designee. Temporary employees can be exempt or non-exempt.
- **Contingent Faculty** appointments are typically of one to three years duration and may be renewed. (Refer to the Faculty Handbook for details regarding contingent faculty appointments.)
- **Research Staff** appointments are typically contingent upon external funding, and the terms of the appointment vary, often dependent upon the duration of funding.

Employees with any questions about their position classification, benefits eligibility, or exemption status, or who believe their position has been misclassified, should contact the Division of Human Resources.

300.2 Independent Contractors, Consultants and Agency Employees

Purpose To set forth the procedure to determine whether an individual providing services to Rensselaer is an independent contractor, consultant or agency employee.

Definitions An Employee is an individual who is employed by Rensselaer in which the Institute has the right to control and direct the individual with regard to the result to be accomplished **AND** the process by which the result is accomplished. "Employee" also includes faculty.

Independent Contractor or Consultant is defined as an individual or entity retained to provide services, which the Institute has the right to establish the scope of services to be performed, but not the process by which the results are accomplished. Such individuals and entities are engaged in the pursuit of an independent trade, business, or profession in which they offer their services to the public.

An Agency Employee is defined as an employee of a firm with which Rensselaer has contracted for services.

Policy It is the policy of Rensselaer to make determinations regarding whether an individual or entity is classified as an independent contractor/consultant or agency employee in accordance with federal and state laws and regulations.

All independent contractors, consultants and agency employees are expected to adhere to all relevant Institute policies, and are required to identify any relationships with Rensselaer Board of Trustees or Institute employees, in accordance with Rensselaer's Financial Conflict of Interest and Commitment Policy.

Procedure Independent Contractor or Consultant

In order to execute a contract for the services of an independent contractor or consultant, the hiring department must initiate a purchase requisition using the on-line procurement system. The hiring department must complete and attach an Internal Revenue Service questionnaire; a detailed description of the services to be performed by the independent contractor or consultant, including how long such services will be needed and whether other individuals are currently providing (or have provided) such services; and a proposed contract. The questionnaire, the contract, and description of work are to be submitted using the on-line purchase requisition process to the Division of Human Resources for approval, prior their submission to the Procurement Services Department.

After reviewing the information provided, the Division of Human Resources will communicate the approval, denial, or request for additional information from the hiring department in accordance with procurement procedures.

If the individual is determined to be an employee, the Division of Human Resources will notify the hiring supervisor to follow the regular recruitment and selection process. The Division of Human Resources will facilitate that action.

Agency Employees

An agency employee can be retained part-time or full-time by Rensselaer to work for the duration of specific projects or assignments. The firm, with which Rensselaer contracts, is responsible for hiring, training, assigning, disciplining, and firing its agency employees. These agency employees receive their benefits through their employment agency and are not eligible to participate in Rensselaer's health, pension, leave, or other benefit plans.

All managers in need of agency employees submit requisitions for staffing directly to the employment agency. These agencies must be part of a list of staffing agencies pre-approved by the Division of Human Resources.

Approved employment staffing agencies are those that have provided Rensselaer certification that they are properly licensed by the state, and will meet their payroll tax, Equal Employment Opportunity and other legal obligations with respect to their employees. Payment will not be made to any agency not on the pre-approved list. Employment staffing agencies usually charge Rensselaer for a minimum of seven hours of work each time a temporary worker is requisitioned. Managers should ensure they have enough work to employ a temporary worker for at least seven hours.

Departments are required to adhere to Procurement Policies and Procedures when using independent contractors, consultants and agency employees. For additional information about Rensselaer's Procurement Policies and Procedures, visit:
<http://www.rpi.edu/dept/procurement/>.

300.3 Unpaid Volunteers, Interns, and Visiting Scholars

Purpose To set forth the policy and procedure regarding Rensselaer's use of unpaid volunteers, interns, and visiting scholars.

Definitions An Unpaid Volunteer is defined as an individual who offers his or her services on an intermittent basis, without payment, for educational, civic, charitable, or humanitarian reasons, and the services provided are not typically performed by regular Rensselaer employees.

An Unpaid Intern is defined as an individual who, as part of an educational program, is engaged in supervised, experiential learning in a work environment at the Institute in return for academic or course credit or training for the benefit of the individual.

A Visiting Scholar is defined as an individual who holds an appointment at another academic or research institution and is visiting to work with a particular faculty member or principal investigator on a research project **AND** is not an employee of Rensselaer.

A Foreign National is defined as any worker who is neither a citizen nor a lawful permanent resident of the United States.

Policy It is the policy of Rensselaer to maximize the benefits and experience of unpaid volunteers, interns, and visiting scholars in compliance with applicable federal, state, and local laws and regulations.

Unpaid Volunteers

To be designated as an unpaid volunteer, the following criteria must be met:

1. The services performed by the individual are intended to be voluntary and to be rendered without compensation.
2. The services must constitute a bona fide effort of the individual to volunteer for humanitarian or public service purpose.
3. The individual has not received a promise or expectation of compensation or employment.
4. Volunteers must not be used in ways that displace or replace regular Rensselaer employees in the performance of their normal duties.

Current Rensselaer Employees in non-exempt positions may not serve as unpaid volunteers and must be paid in accordance with the provisions of the Fair Labor Standards Act and applicable state law for all work performed.

Unpaid Interns

To be designated as an unpaid intern, the following criteria must be met:

1. The internship, even though it may include actual operation of the facilities of the Institute, is similar to training that would be given in an educational environment.
2. The internship experience is for the benefit of the intern.
3. The intern does not displace regular Rensselaer employees and works under close supervision of existing staff.
4. The Institute derives minimal or no immediate advantage from the activities of the intern and on occasion its operations may be temporarily impeded.
5. The intern is not necessarily entitled to a job at the Institute at the conclusion of the internship and is free to take a job elsewhere in the same field.
6. The Institute and the intern understand that the intern is not entitled to wages for the time spent on the internship.
7. Any clinical training is performed under the supervision and direction of individuals knowledgeable and experienced in the activity.

Unpaid Volunteers, Interns, And Visiting Scholars May Not:

- Be engaged and/or directly supervised by a relative or other individual who would be considered inappropriate under the Institute's policy on *Nepotism and the Employment of Relatives*.
- Receive employment-related benefits available to regular employees such as workers' compensation, health benefits, or the ability to file for unemployment compensation.
- Operate Institute-owned motor vehicles or other heavy equipment unless specific exceptions have been requested and approved by an appropriate official of Rensselaer and are not contrary to state regulations or Institute risk management policies.

Foreign Nationals may not perform work as a volunteer under any circumstance. Foreign Nationals may participate in an internship program, only to the extent that such internship is a required part of a formal academic program, and provided that **ALL** of the conditions for unpaid internships set forth above are met.

Procedure Portfolio Owners are responsible for ensuring that unpaid volunteers, interns, and visiting scholars are correctly designated in accordance with this Policy.

Departments wishing to engage an unpaid volunteer, intern, or visiting scholar should compose and submit requests to their Portfolio Owner for review. Each request should include a detailed description of the individual's assignment as an unpaid volunteer, intern, or visiting scholar, including the individual's responsibilities, anticipated start and end dates, schedule, and supervisory or reporting structure, to ensure compliance with the Fair Labor Standards Act and applicable state law.

In addition, Portfolio Owners are expected to adhere to the following procedures in approving and appointing individuals as unpaid volunteers, interns, and visiting scholars:

- Verify the identity of each individual covered by this Policy through review of government-issued documentation of identification and record his/her identifying information, including name, address and date of birth, before the beginning of the assignment.
- Ensure that an export control review is conducted for each individual who is a foreign national before the beginning of the assignment.
- Ensure that a Financial Conflict of Interest Disclosure form and Intellectual Property Agreement is completed for each individual.
- Ensure that appropriate safety training is completed by the individual.
- Ensure that each individual receives a letter regarding their appointment as an unpaid volunteer, intern, or visiting scholar, which includes a beginning and ending date, details of the assignment, and the designation of the supervisor. This letter must state that the individual is expected to adhere to all applicable Institute policies, such as, but not limited to: Sexual Harassment, Non-discrimination, Electronic Citizenship, Tobacco Use, Alcohol and Drug Use, Domestic Pets on Campus, Parking, etc.
- Ensure that limited building and systems access is provided in accordance with Institute policies and procedures.

The Division of Human Resources is available for assistance in the proper designation and appointment of unpaid volunteers, interns, and visiting scholars.

300.4 Initial Period of Employment

Purpose To define the initial period of employment at Rensselaer for individuals who are hired, promoted, transferred or reassigned to new positions.

Definitions The Initial Period of Employment refers to the period of time during which supervisors and managers have the opportunity to provide feedback and assess the performance, behavior, attendance and competencies relevant to the position occupied by the employee.

An Exempt Employee is defined as an employee who is not subject to overtime pay provisions under federal and state laws.

A Non-Exempt Employee is defined as an employee who is entitled to overtime pay of at least one-and-one-half (1½) times their regular rate for hours worked in excess of 40 in any workweek.

Policy Exempt Staff

Regular, full-time exempt staff undergo an initial period of evaluation during the first six (6) months of employment in any new position.

Nonexempt Staff

Regular, full-time non-exempt staff undergo an initial period of evaluation during the first three (3) months of employment in any new position.

Use of Paid Time Off (PTO)

During the first three (3) months of employment, exempt and non-exempt staff accrue, but are not eligible to use Paid Time Off (PTO).

Extensions to the Initial Period of Employment

The initial period of employment is automatically extended for any absences except holidays and bereavement leave. The extension of time is equal to the number of days absent during the initial period of employment.

Procedure After completing the initial period of employment, an employee gains the same rights and benefits as other employees, including access to the peer review appeals process, consideration for transfer to other positions, and use of accrued leave. Paid Time Off (PTO) leave accruals begin with the date of hire, but PTO leave will not be available until completion of **three (3) months** of employment. All exceptions must be reviewed and approved through the Vice President for Human Resources or his designee.

During and after the initial period of employment, Rensselaer

preserves an at-will employment relationship with employees—that is, an employment relationship that either the employer or the employee can terminate at any time and for any reason. A management decision to terminate employment or extend the initial period of employment during this period must be reviewed and approved by the Division of Human Resources.

300.5 Promotion

Purpose To provide the opportunity for the career growth and development of employees in alignment with the initiatives of the Rensselaer Plan and core functions of each Portfolio based on exceptional performance, conduct and competencies.

Definitions A Promotion is defined as the act of an employee moving into a position that is at a higher classification than the current position.

Policy It is the policy of Rensselaer Polytechnic Institute to support the career growth of employees to higher-level positions. All promotion decisions are based on job-related criteria, such as, by way of example only, a comparative review of qualifications, knowledge, skill, ability, aptitude, competencies, attendance and quality of past work performance. In all its selection and employment processes, including promotion decisions, Rensselaer is committed to ensure all individuals equal employment opportunity.

Procedure Initial Period of Employment Requirements

The hiring supervisor negotiates a start date for the successful applicant with the applicant's current supervisor. The successful applicant is in an initial period of employment status in the new position of three (3) months for non-exempt classifications and six (6) months for exempt classifications. The immediate supervisor is encouraged to complete a written performance evaluation before the conclusion of the initial period of employment in the new position.

At any time during the initial period of employment, the supervisor may determine that the employee is not succeeding in the position and terminate the employment after consultation with the Division of Human Resources. Employees who do not successfully complete the initial period of employment have no rights to return to his/her former position. Employees promoted to another position are permitted to use accrued PTO leave with the approval of the new department or unit.

Promotional Pay Rates

Successful applicants are paid no less than the minimum rate of Rensselaer's established pay scale for the position.

300.6 Transfers: Voluntary and Involuntary

Purpose To identify procedures under which an employee makes a transfer between departments or Portfolios, either voluntarily or involuntarily.

Definitions A Transfer is defined as the movement of an employee from one position to another position or from one organizational unit to another.

A Voluntary Transfer is defined as the movement of an employee to another position or organizational unit based on the employee's request.

An Involuntary Transfer is defined as the movement of an employee to another position or organizational unit based on the business needs of the Institute.

The Initial Period of Employment refers to the period of time during which supervisors and managers have the opportunity to provide feedback and assess the performance, behavior, attendance and competencies relevant to the position occupied by the employee.

A Shift Premium is defined as extra compensation to non-exempt staff members who are scheduled on a regular, rotating or sporadic basis to work during the evening and/or night shift.

Policy Employees are allowed to seek to transfer laterally between departments or Portfolios for personal or professional reasons. On occasion, it is necessary to transfer employees involuntarily to different jobs in order to: cover staffing shortfalls; respond to a surge in demand; maintain efficient operations; or for performance or disciplinary reasons. These transfers can be temporary or permanent.

Procedure Voluntary Transfers

Employees may apply for positions that are posted through the normal application process. (See Human Resources Policy #200.3, *Posting for Staff Positions*)

Initial Period of Employment Requirements

The hiring supervisor negotiates a start date for the successful applicant with the applicant's current supervisor. The successful applicant is in an initial period of employment status of three (3) months for non-exempt positions and six (6) months for exempt positions. The immediate supervisor is encouraged to complete a written performance evaluation before the conclusion of the initial period of employment in the new position. At any time during the

initial period of employment, the supervisor can determine that the employee is not succeeding in the position and terminate the employment after consultation with the Division of Human Resources. Employees who do not successfully complete the initial period of employment have no rights to return to his/her former position.

Pay and Benefits Adjustments for Voluntary Transfers

If a lateral transfer is made to a different department or Portfolio, but within the same level, the pay rate may remain the same. If a transfer is made to a lower level, the pay rate is reviewed and may be adjusted to the lower level. Changes in the position classification may affect the Paid Time Off (PTO) accrual rate.

Involuntary Transfers

From time to time, in order to cover staffing shortfalls, respond to a surge in demand, maintain efficient operations or for performance or disciplinary reasons, Rensselaer Polytechnic Institute may transfer employees, which may include a transfer to a position in a lower level classification. Rensselaer attempts to accommodate the preferences of employees, but if no qualified employee is willing to accept a transfer, management reserves the right to make the decision based on business necessity. Involuntary transfers must be reviewed and approved by the Division of Human Resources.

If an involuntary permanent transfer is made, the immediate supervisor is encouraged to complete a written performance evaluation before the conclusion of the initial period of employment in the new position of three (3) months for nonexempt staff and six (6) months for exempt staff. The employment relationship continues to be at-will.

Pay and Benefits Adjustments for Involuntary Transfers

Rensselaer attempts to transfer employees to positions in the same classification level. If a temporary transfer to a lower-level classification is required, the transferred employee keeps his or her rate of pay from the previous position. If a permanent transfer to a lower-level classification is required for performance or disciplinary reasons, the transferred employee's pay is adjusted. The new rate is the lower of the employee's current rate or the highest rate on the lower level's range. If a permanent transfer to a lower-level classification is required for other than performance or disciplinary reasons (see Human Resources Policy #300.7, *Demotions*), the transferred employee generally keeps his or her rate of pay for six (6) months; the pay rate then is adjusted to the lower of the employee's current rate of pay or the highest pay rate on the lower-level classification's range. If an employee is temporarily transferred to a higher-level classification, the employee is paid the greater of his or her current pay rate or the starting pay rate of the higher-level classification's pay range for all work done at the higher-level

position. Changes in the position classification may affect the Paid Time Off (PTO) accrual rate. The Vice President for Human Resources may authorize a transition period for employees who are permanently transferred to a lower level classification with a lower pay rate.

Shift Premiums

Employees regularly assigned to the second or third shift that are temporarily transferred to a shift paying no premium or a smaller premium are paid their regular shift premium for up to two weeks. Permanent transfers to a different shift are paid the applicable shift premium, if any, of the new assignment from the first day of the transfer. Employees transferred temporarily or permanently to a shift with a higher premium are paid the applicable shift premium for all work on the new shift.

Layoffs or Workforce Reductions

When an operation or department is closed temporarily or permanently, or otherwise reduced in size or scope, Rensselaer might be required to lay-off or reassign affected workers. Rensselaer attempts to place affected employees in available positions through transfers, which generally are offered to qualified employees based on qualifications and business necessity. (See Human Resources Policy #500.4, *Reductions in Force*.)

300.7 Demotions

Purpose To identify procedures under which an employee is placed in a lower level classification due to performance, disciplinary action or department reorganization.

Definitions A Demotion is defined as the act of an employee moving into a position that is at a lower classification than the current position.

The Initial Period of Employment refers to the period of time during which supervisors and managers have the opportunity to provide feedback and assess the performance, behavior, attendance and competencies relevant to the position occupied by the employee.

Policy Employees may be moved to a position in a lower level classification based on performance, a disciplinary action, or because of business necessity. Reductions in pay may also occur as a result of a demotion. Demotions are a permanent change in employment status.

Procedure Determination of Demotion

Following counseling, performance evaluation, and/or disciplinary action, or in conjunction with a departmental reorganization, a Portfolio Owner may demote an employee within his/her own Portfolio. Such demotion can only be made after consultation with the Vice President for Human Resources or designee. Demotions may be made for performance reasons or as a result of the business needs of a department or the Institute.

Initial Period of Employment Requirements

The immediate supervisor is encouraged to complete a written performance evaluation before the conclusion of the initial period of employment in the new position, which is three (3) months for non-exempt positions and six (6) months for exempt positions. The employment relationship continues to be at-will.

Pay Adjustments

If an employee is demoted to a lower level for performance or disciplinary reasons, the demoted employee's pay is adjusted. If an employee is demoted to a lower level classification based on departmental reorganization, the demoted employee generally keeps his or her rate of pay for six (6) months; after those six (6) months, the employee's pay rate will be adjusted downward within the lower level classification's pay range.

Declination of Demotion

An employee may decline a demotion and elect to resign from employment at Rensselaer. This resignation will be considered a voluntary resignation.