### 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.

**Research Faculty** refers to faculty appointments that are typically contingent upon external funding, and the terms of the appointment vary, often dependent upon the duration of funding.

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 Nonexempt 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 nonexempt.

- **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 nonexempt.

- **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/](http://www.rpi.edu/dept/procurement/).
300.3 Volunteers and Unpaid Interns

Purpose
To set forth the procedure regarding Rensselaer’s use of volunteers and unpaid interns.

Definitions
A Volunteer is defined as an individual who performs services:
1. for civic, charitable or humanitarian reasons; or
2. for a “personal purpose or pleasure;” or
3. to gain employment contacts or practical work experience.
A volunteer performs services without promise, expectation, or receipt of compensation and without any coercion or pressure from Rensselaer as the employer.

An Unpaid Intern is defined as an individual who, as part of an academic program to acquire professional knowledge or professional experience:
1. performs services primarily for his or her own training benefit;
2. does not displace a regular employee;
3. produces little or nothing of value for the employer;
4. understands that he or she is not entitled to a wage for the period of training; and
5. is not entitled to a position when the training ends.
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 of the volunteer or internship experience in compliance with applicable federal, state, and local laws and regulations.

Procedure
Departments wishing to engage an intern or volunteer should compose and submit requests to their Portfolio Owner for their review. If the request is supported, the Portfolio Owner then submits the request to the Division of Human Resources. Each request should include a description of the individual's duties and responsibilities so that there is no misunderstanding over whether the service he or she is performing is compensable under the Fair Labor Standards Act or applicable state law. The description must contain start and end dates, and should fall clearly within the definition of volunteer or unpaid intern. For an intern, the description of responsibilities should emphasize the academic nature of the relationship so that it is clear that critical business work or "bona
"fide" work is not being assigned to the intern.

The Division of Human Resources will review and approve the request, if appropriate. The Department will provide the description to the individual, and will work with the appropriate offices to secure a visitor identification badge.

Departments should not assign duties to these individuals that would normally be performed by an employee. Such assignments may require compensation under the Fair Labor Standards Act or applicable state law.

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

The **Athletics Department** in the Division of Student Life is responsible for ensuring that Athletic volunteers comply with applicable National Collegiate Athletic Association (NCAA) regulations.

**Foreign Nationals** may not perform work as a volunteer or intern, paid or unpaid, under any circumstance. Foreign Nationals may participate in an unpaid training program, as a part of a formal academic program, provided that **ALL** of the conditions below are met.

The Foreign National:

- performs services primarily for his or her own benefit;
- does not displace a regular employee;
- produces little or nothing of value for the employer;
- understands that he or she is not entitled to a wage for the period of training; and
- is not entitled to a position when the training ends.
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 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.

**Policy**  Exempt Staff
Regular, temporary and fixed-term exempt staff employees, both part-time and full-time, undergo an initial period of evaluation during the first six (6) months of employment in any new position.

Nonexempt Staff
Regular and temporary nonexempt staff employees, both part-time and full-time, 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 nonexempt 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 for three (3) months for nonexempt classifications and six (6) months for exempt classifications. The supervisor provides a written performance evaluation before the completion of the initial period of employment.

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 nonexempt 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, Internal Job 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 nonexempt positions and six (6) months for exempt positions. The supervisor provides a written performance evaluation before the completion of the initial period of employment. 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 employee will receive a written performance evaluation after the initial period of evaluation 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 rate 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 employee’s performance in the new position will be evaluated after an initial period of employment of three (3) months for nonexempt positions and six (6) months for exempt positions, and will include a written performance evaluation. 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.