



Procedures on Contingent Employment for Nonexempt and Exempt Staff Employees

(Approved by the President on January 18, 2005)

I. PURPOSE

The following procedures have been developed to implement BOR Policy VII - 1.40 - USM Policy on Contingent Employment for Nonexempt and Exempt Staff Employees, approved by the Board of Regents on December 13, 1996 and amended by the BOR on February 9 2001.

II. BACKGROUND

This procedure updates any previous UMBI contingent employment procedures and implements new provisions of USM VII – 1.40 Policy on Contingent Status Employment for Nonexempt and Exempt Staff Employees, approved by the Board of Regents on 2/9/01.

III. DEFINITIONS

- A. Contingent Employment - A non-regular status of employment for Nonexempt or Exempt positions in the UMS.
- B. Contingent Employee - A person (non-faculty employee) who (1) pursuant to a written agreement, provides personal services to an institution for pay; (2) is not employed as a Regular Status employee in a budgeted position; (3) whose compensation terms and conditions of employment are governed by this policy and a written contract and not by the USM policies generally applying to Regular Status Nonexempt and Exempt staff; and (4) has an employer-employee relationship with the institution in which the institution furnishes necessary supplies and equipment and a place to work; has the right to control and direct the details, means and results of the performance of the services; and has the right to discharge the person from employment.
- C. Contingent Category I Employee - any contingent employee whose written agreement (contract) is for a term of six months or less regardless of the percentage of time worked and regardless of whether it is seasonal or intermittent in nature.
- D. Contingent Category II Employee - any contingent employee whose written agreement (contract) is for more than six months, but no more than 12 consecutive months, and who works on a full-time basis or on a part-time basis of 50% or more of full-time employment; and is not seasonal or intermittent in nature.
- E. Intermittent – shall mean an employee who works on an if and when needed basis.

IV. TERMS AND CONDITIONS

For terms and conditions of Contingent employment, see BOR VII-1.40 Policy on Contingent Employment for Nonexempt and Exempt Staff Employees.

V. PROCEDURES

UMBI Policies and Procedures

- A. All Contingent Employment positions shall be established according to the UMBI Procedure to Create a New Position.
- B. For Contingent Category I positions, the CEO or designee shall:
 - 1. forward an Authorization to Offer Employment form with appropriate attachments to the UMBI Assistant Vice President for Human Resources.
 - 2. If the appointment is approved by the Vice President for Operations & Finance or Designee and the Assistant Vice President for Human Resources, the Assistant Vice President for Human Resources shall return to the requesting Unit written approval consisting of a copy of the signed Authorization to Offer Employment form, an approved offer letter, and an approved draft Contingent Employment Contract.
- C. For Contingent Category II positions, the CEO or designee shall:
 - 1. work with the Assistant Vice President for Human Resources to follow the competitive recruitment and selection procedures for the equivalent employee group (Nonexempt or Exempt Staff).
 - 2. upon selection of the final candidate, forward an Authorization to Offer Employment form and the appropriate attachments to the UMBI Assistant Vice President for Human Resources.
 - 3. If the appointment is approved by the Vice President for Operations & Finance or Designee and the Assistant Vice President for Human Resources, the Assistant Vice President for Human Resources shall return to the requesting Unit written approval consisting of a copy of the signed Authorization to Offer Employment form, an approved offer letter, and an approved draft Contingent Employment Contract.
- D. The Appointing Authority shall offer the position to the selected candidate by sending to the candidate the approved offer letter and the approved Contingent Employment Contract. The candidate shall be required to sign the original Contingent Employment Contract and return it to the Appointing Authority. The original Contingent Employment Contract shall be submitted to the UMBI Payroll office along with other required payroll documents. A signed copy of the completed Contingent Employment Contract shall be returned to the Appointee and the Unit.
- E. Work under a Contingent Employment Contract may not commence before the hire and contract have been approved and signed by all appropriate individuals.
- F. Contract Renewals
 - 1. The BOR Policy on Contingent Employment places limits on the ability of institutions to renew contingent contracts. If a Contingent Employment Contract is to be renewed, any such renewal must be approved by the Assistant Vice President for Human Resources before the new contract is presented to the contingent employee.
 - 2. No contract renewal may commence before the contract has been approved and signed by the individuals listed on the contract.