Executive Summary:

Policy 321 Employment Classifications and Work Limits (REVISION)

Policy 639 Adjunct Faculty (REVISION)

Policy 321
Sponsor: Val Peterson
Steward: Mike Francis

Policy 639
Sponsor: Ian Wilson
Steward: Kat Brown

Issues/Concerns (including fiscal impact):
(Information presented is drawn from a CUPA memo dated November 1, 2012, and information provided by UVU’s benefits consulting firm, HUB International)

The Patient Protection and Affordable Care Act’s (PPACA) major coverage requirements become effective January 1, 2014. The Employer Mandate section of this act requires:

- Employers with 50 or more full-time employees . . . must provide all full-time employees with affordable health insurance coverage of at least a minimum value.
- Employers that fail to do so must pay a tax penalty if any of its full-time employees obtain Exchange coverage and a federal premium tax credit. The penalty may be as high as $2,000 per full-time employee.
- Employers electing a 12-month measurement (recommended by UVU’s Benefits Committee) must begin the measurement period no later than January 1, 2013.

Employers must determine who is eligible for coverage. The new federal definition of “full-time” is 30 or more hours on average per week in a month (130 hours/month). UVU’s current policy of no more than 1,500 hours per fiscal year for hourly staff does not provide for a monthly measure.

Adjunct faculty are “exempt professionals” under the Fair Labor Standards Act (FLSA), who are paid on a per course basis essentially for instructional time. UVU does not track nor attempt to track non-instructional work hours for adjunct faculty as non-instructional hours are not eligible for pay. For the purpose of PPACA, adjunct faculty at UVU are considered variable-hour employees.

This guidance did not address situations, however, where the employer is not tracking the employees’ hours, such as in the case of adjunct faculty or other variable hour or
seasonal part-time salaried employees. Further guidance from the IRS is anticipated but such guidance is not a high priority at the present time. UVU has been advised to base its determination of non-full-time employment for variable hours employees on “reasonable, good faith belief.” UVU’s current policies may not provide for delineation between part-time adjunct faculty and full-time faculty and may not provide adequate measurement periods.

Due to the complexity of measurement, transition, and stability periods required under the law, the need to review each non-full-time position type and situations in which non-full-time employees may be employed under multiple position types, and the emerging information from the regulations, additional time is needed to develop specific language on limits, etc. Thus, the proposal to authorize President’s Council to establish workload and hourly limits for part-time and adjunct faculty employees.

**Action(s) Requested**

As provided in UVU Policy 101 Policy Governing Policies and Procedures, section 4.2.3.2, policy proposals related to conditions of employment may be processed through the temporary emergency policy approval process if mandated by law. The Sponsors request policies 321 and 639 be revised through the temporary emergency policy process entering Stage 1 and Stage 2 during the November 29, 2012, President’s Council meeting for consideration of the Board of Trustees in their December 6, 2012, meeting. Both of these policies are already in Stage One of the regular policy process. It is proposed that these temporary emergency policy revisions become effective on December 7, 2012, with an expiration of no later than December 6, 2013.
Proposed Policy Number and Title: 321 Employment Classifications and Work Limits

Existing Policy Number and Title: 321 Employment Classifications and Work Limits

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Bundled with Policy 639.

Anticipated Expiration Date:
December 6, 2013

*See UVU Policy #101 Policy Governing Policies for process details.

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Draft Number and Date: TEMPORARY EMERGENCY, Board of Trustees, November 29, 2012

President's Council Sponsor: Val Peterson Ext. 

Policy Steward: Mike Francis Ext. 

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**POLICY APPROVAL PROCESS DATES**

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1.0 PURPOSE

2.0 REFERENCES

2.1 U. S. Treasury Regulations Section 31.3131(b) (10)-2

2.2 U.S. Department of Education regulation (34CRF674.2) (RP 98-16)

3.0 DEFINITIONS

4.0 POLICY

4.1 All departments shall identify each of their employee positions according to the following classifications:

4.1.1 Position

4.1.1.1 Salaried positions—Faculty and non-faculty positions categorized as .75–1.00 FTE that can be reasonably expected to last six consecutive months or longer. These positions are funded from salaried budgeted dollars and provide a benefit package paid for by the University.

4.1.1.2 Hourly positions—Non-faculty positions categorized as less than .75 FTE that can be reasonably expected to last six consecutive months or longer. These positions are funded from hourly budgeted dollars and do not provide a benefit package.

4.1.1.3 Temporary positions—Positions that, due to the nature of the work, the employment agreement, or the availability of individuals for regular work, can be reasonably expected to last
less than six consecutive months. These positions are funded from hourly budgeted dollars and no benefit package is provided.

4.1.1.4 Adjunct faculty positions—Faculty positions that are funded from hourly budgeted dollars and do not provide a benefit package. These positions are filled for a semester at a time.

4.1.1.5 Student positions—An employee who performs services in the employ of the University "incident" to and for the purpose of pursuing a course of study at the University (U. S. Treasury Regulations Section 31.3131(b) (10)-2).

4.2 Employment Limits

4.2.1 President’s Council shall establish hours of service limits for non-full-time employees (including temporary employees, hourly employees, student employees, and adjunct faculty.) Hourly position employees' hours are not to exceed 1,500 in any fiscal year. Departments will be notified when an employee has worked 1,000 hours during the fiscal year, and again when the employee has worked 1,380 hours. The second notice will be the final notice, with the automatic termination of the employee when the 1,500 hours have been reached. The terminated employee may not be reinstated within the fiscal year.

4.2.2 Adjunct faculty shall have the standard teaching load, not to exceed 15 credit hours or 25 contact hours, whichever comes first. When approved by chairs and deans, adjunct faculty may teach an additional eight contact hours per week.

4.2.3 Positions identified as temporary have no limit on number of hours worked per week, providing the position does not continue beyond six months.

4.3 Student Employment

4.3.1 There are four categories of student employment: Student FICA exempt, Work Study FICA exempt, Student FICA eligible (Trainee status), and Foreign Student FICA exempt:

1) Student FICA exempt—An individual enrolled as a student at Utah Valley University at least half-time (six credits), as determined by the University. Working on the student pay schedule not more than 1,500 hours within the fiscal year.

2) Work Study FICA exempt—An individual enrolled for at least 12 credits, working on the student pay schedule not more than 20 hours per week in the work study program.

3) Student eligible for FICA deduction (trainee status) —An individual enrolled as a student at Utah Valley University less than half-time (fewer than six credits), as determined by the
4. Working on the student pay schedule not more than 1,500 hours within the fiscal year.

4) **Foreign Student FICA exempt**—An individual attending Utah Valley University on an F1 visa, maintaining 12 credits, and working on the student pay schedule not exceeding 20 hours of work per week as mandated by INS policy, except during his or her designated vacation, or during a semester off. **During vacation or a semester off, a foreign student may work up to 40 hours per week (over 40 constitutes overtime pay of 1 1/2 times), working not more than 1,500 hours within the fiscal year.**

4.3.2 Timing of Determination of Student Status

4.3.2.1 Determination of student status will be made at the end of the drop-add period; the status may be adjusted after that period. For payroll periods ending before the expiration of the drop-add period, the determination of student status is made on the basis of the number of semester hours being taken at the end of the registration period for the semester. Student performed work that is exempt from FICA during all pay periods of a month or less and that falls wholly or partially within the academic term is eligible for the FICA exemption (U.S. Department of Education regulation [34CRF674.2] [RP 98-16]).

### 5.0 PROCEDURES

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- **Entrance Date:** 11/29/2012

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- **Entrance Date:** Not Applicable

### University Community Review
- **Entrance Date:** Not Applicable
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- **Entrance Date:** 11/29/2012
- **Approval Date:** MM/DD/YYYY

## POST APPROVAL PROCESS
- **Verify:**
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- **Policy Office personnel who verified and posted this policy to the University Policy Manual**
  - **Name:** ____________________
  - **Date posted and verified:** MM/DD/YYYY

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*See UVU Policy #101 Policy Governing Policies for process details.*
1.1 Adjunct faculty are a valued and essential component of UVU, providing a wealth of practical experience and work in conjunction with salaried faculty members in teaching the many and varied courses offered by UVU. By definition, adjunct faculty are hired on a per-semester basis and their responsibilities are limited primarily to those duties directly related to classroom instruction and student assessment. This policy governs adjunct faculty in terms of professionalism, teaching load, employment eligibility, and requirements for on and off-campus sites.

2.0 REFERENCES

2.1 Utah Board of Regents’ Policy R312 Configuration of the Utah System of Higher Education and Institutional Missions and Roles

2.2 UVU Policy 325 Workload for Full-Time, Non-Faculty Employees

2.3 UVU Policy 327 Overload for Exempt, Non-Faculty Employees

2.4 UVU Policy 333 Criminal Background Checks

2.5 UVU Policy 363 Supplemental and Adjunct/Overload Pay Methods

2.6 UVU Policy 631 Instructor and Course Evaluations

2.7 UVU Policy 641 Salaried Faculty Workload–Academic Year

3.0 DEFINITIONS

3.1 Academic year: Fall and Spring semesters combined.
3.2 Adjunct faculty: Part-time, temporary, on-call faculty hired on a semester basis to perform specific faculty duties—primarily instruction, course development, and/or concurrent enrollment.

3.3 ICHE (Instructional Credit Hour Equivalents): ICHE is the unit of measure for instructional activity as defined by Regents' policy and guidelines. ICHE incorporates credit, lecture, and lab hours, plus factors including, but not limited to, mode of instructional delivery, class size, and individualized instruction.

3.4 Student Rating of Instruction (SRI): The standard, university-wide instrument used for collecting information from students on the quality of instruction in a section taught by a faculty member.

4.0 POLICY

4.1 Adjunct faculty members serve under the direction of department chairs or their designees, who offer supervisory feedback and designate or coordinate orientation, required training sessions, and conditions necessary for adjunct faculty to perform their assigned duties in a professional manner. Department shall determine professional criteria for employment of adjunct faculty.

4.2 UVU shall provide appropriate support for adjunct faculty to perform their assigned duties in a professional manner, including supervisory feedback.

4.3 President’s Council shall establish hours of service limits for non-full-time employees (including temporary employees and adjunct faculty.) The total UVU teaching load of an adjunct faculty member shall not exceed 11 ICHE, which is less than 75% of the maximum of 15 ICHE for a single semester. The teaching load of full-time staff and other UVU employees is covered under UVU Policy 325 Workload for Full-time, Non-Faculty Employees and UVU Policy 327 Overload for Exempt, Non-Faculty Employees.

4.4 Adjunct faculty are at-will employees classified as non-full-time employees, and are not benefits eligible.

5.0 PROCEDURES

5.1.1 Professional Conduct

5.1.1.1 In common with salaried faculty, adjunct faculty shall conduct themselves as professionals by:

1) Providing a method for student contact, such as campus email or individual meeting times;
2) Maintaining timely communication with appropriate supervisors regarding exceptions to standard classroom practices, absences, guest speakers, and other exceptions;

3) Encouraging student inquiry and learning;

4) Improving teaching methodology on a continuing basis, and improving teaching methods as indicated by scholarly trends and/or the supervisor’s feedback;

5) Maintaining currency in their chosen discipline;

6) Supporting the mission and goals of UVU and the department;

7) Representing UVU in a professional manner;

8) All university employees shall avoid creating the impression that they are officially representing the University in public appearances or statements unless they are authorized to do so.

5.2 Orientation and Training

5.2.1 Human Resources, in partnership with the departments, shall arrange for adjunct faculty to receive orientation regarding policies and procedures and federally mandated training sessions.

5.3 Student Evaluations

5.3.1 To ensure course integrity and to facilitate the on-going improvement of teaching, adjunct faculty shall participate, at the direction of the department chair, in Student Ratings of Instruction (SRI).

5.4 Course Materials

5.4.1 Departments shall provide the official course outline, expected outcomes, and course objectives for each class taught and provide access to department held course materials, tests, and teaching resources. Departments shall provide the adjunct faculty with a current textbook(s) and, as appropriate, invite adjunct faculty to participate in the choosing of a new text.

5.5 UVU Handbook

5.5.1 Additional policies that apply to all UVU employees can be found in the UVU Policy and Procedures Manual on the UVU website.

5.6 Employment Eligibility and Requirements

5.6.1 Credentials
5.6.1.2 Adjunct faculty hired at UVU shall possess appropriate credentials for the courses they teach as determined by the department.

5.6.2 Applications

5.6.2.1 Applicants for adjunct faculty positions must complete the adjunct faculty Employment Application and submit it to the Human Resources, which will clear the applicant for employment eligibility according to UVU Policy 333 Criminal Background Checks.

5.7 Off-campus Sites

5.7.1 Departments establish professional criteria for screening and hiring adjunct faculty. Chairs of departments with courses offered via off-campus sites, continuing education, concurrent enrollment, or distance education programs screen and hire adjunct faculty according to established criteria.

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