

# The University of Wisconsin System

## UPS OPERATIONAL POLICY: HR 7



**SUBJECT:** University Staff Temporary & Project Appointments

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**Original Issuance Date:** July 1, 2015

**Last Revision Date:**

### 1. POLICY PURPOSE:

The purpose of this policy is to define university staff temporary and project employees and to establish guidelines about when these appointment types should be used.

### 2. POLICY BACKGROUND:

[Wis. Stat. § 36.115\(4\)](#) requires the creation of a personnel system that includes a civil service system. [Financial Administration G26: Limited Term Employment](#) and [Wis. Stat. § 230.26](#) provided rules and requirements for limited term or temporary employment, and [Wis. Stat. § 230.27](#) provided rules and requirements for project positions.

Effective July 1, 2015, this policy provides guidelines for the employment of university staff temporary and project employees at UW System institutions.

### 3. POLICY DEFINITIONS:

Please see UPS Operational Policy [GEN 0: General Terms and Definitions](#) for a list of general terms and definitions.

#### **Definitions specific to this policy:**

“Immediate family” means an employee’s spouse or domestic partner; and an employee’s relatives by blood, marriage, domestic partnership or adoption; and any other person who directly or indirectly receives more than one-half of his or her support from the employee, or from whom the employee directly or indirectly receives more than one-half of his or her support.

“University staff project appointment” means a university staff appointment of up to four years; the need is project-based and there is an established probable date of termination.

“University staff temporary appointment” means a university staff appointment of up to 1,040 hours within a twelve-month period; the need for the position/duties is temporary in nature.

### 4. POLICY:

University staff positions may be filled on a temporary or project basis if the work to be done by the individual in this type of appointment is not of an on-going nature.

## A. Temporary Appointment

### (1) Attributes Specific to a Temporary Appointment

- (a) UW System institutions shall develop their own recruitment and assessment methods for hiring temporary staff.
- (b) Temporary employees are assigned to Compensation Category F as outlined in UPS Operational Policy [UPS Operational Policy TC: 3 Compensation](#). The institution has the authority to set the employee's salary no lower than both the state and federal minimum wages (unless a lower wage is authorized pursuant to [Section 14 of the Fair Labor Standards Act](#) and [Wis. Stat. § 104.07](#)), and no higher than the pay range maximum for the position title. See UPS Operational Policy [TC: 3 Compensation](#) for additional information about compensation for university staff temporary employees.
- (c) Temporary employees have no expectation of continued employment. The total time worked by an individual temporary employee in a temporary appointment cannot exceed 1,040 hours in a 12-month period.
- (d) Temporary employees are hired for positions where the hours worked by the employee will never exceed 1,040 hours in a 12-month period because the position is seasonal in nature or occurs on an irregular basis (e.g., agricultural workers, special events staff, or support staff during peak student registration periods).
- (e) Positions filled as a temporary appointment will not count in an institution's full time equivalent (FTE) report.
- (f) There is no restriction on hiring non-residents of Wisconsin.
- (g) Unless the situation fits the exceptions outlined in (h) below, when an employee in a temporary appointment works 1,040 hours within a 12-month period, and the need for the duties to be performed would result in the temporary employee exceeding the 1,040 hour limit, the institution must consider two options:
  - Filling the position with an expectation of continued appointment; or
  - Filling the position with a project appointment.
- (h) Upon institutional approval, a temporary employee may be eligible to work beyond 1,040 hours in a 12-month period for any of the following reasons:
  - Coverage during an approved extended leave such as an FMLA leave.
    - The temporary appointment must be tied to the specific leave for an employee with an on-going appointment that resulted in the need for the temporary employee.

- The extension beyond 1,040 hours can include an overlap of an ongoing appointment and temporary staff to allow for training prior to the leave or a transition period after the employee with an ongoing appointment has returned to work.
- Coverage during an extended period of recruitment.
  - The temporary appointment must be tied to the specific vacancy that resulted in the need for coverage by a temporary employee.
- Coverage after layoff notices to university staff have been given or the closing of an operational unit has been announced.
  - The temporary appointment must have an established end date identified at the start of the appointment that coincides with the established closing or layoff date.

## **(2) Multiple Temporary Appointments**

### **(a) Different Positions**

Concurrent temporary appointments may be used if the temporary appointments are for different positions. The following factors should be considered when reviewing multiple temporary appointments for purposes of determining whether or not they are different appointments. All factors should be considered collectively; no one factor will be determinative.

- At least 50% of the duties of each temporary position must be different from the duties of the other temporary position held;
- A different title or working title is appropriate for each position;
- The employee attained the multiple positions through separate recruitments;
- The appointments are in different employing units;
- The appointments report to different supervisors.

### **(b) Successive Temporary Appointments**

Successive temporary appointments can be made if the employee is working in different positions per (a) above. If the employee reaches the 1,040 hour limit within a 12-month period, but the work of the position continues, the employee must be terminated and a new temporary employee appointed or the position must be filled as a project appointment or with a university staff appointment with the expectation of continued employment.

## **B. Project Appointment**

### **(1) Attributes Specific to a Project Appointment**

- (a) UW System institutions shall use the merit-based principles as outlined in UPS Operational Policy [TC: 1 Recruitment Policies](#) when hiring project employees.
- (b) Project employees are hired for positions when there is a temporary workload increase or for a planned undertaking which is not a regular function of the department and for which there is an established probable date of termination, and there is no expectation of continued employment.
- (c) The total duration of a project appointment cannot exceed four years. If a project appointment is originally established for less than four years, it may be extended; however, the total duration of the original and extended appointment shall not exceed four years.
- (d) Positions filled as a project appointment will count in an institution's full time equivalent (FTE) report.
- (e) If the duties of the project appointment are expected to be continuous or exceed four years, the institution should consider filling the position with a university staff appointment with the expectation of continued employment.
- (f) Project employees are assigned to Compensation Category F as outlined in UPS Operational Policy [TC: 3 Compensation](#). The institution has the authority to set the employee's salary within the established salary range for the position's title.

### **C. Attributes of Both Temporary and Project Appointments**

#### **(1) "At Will" Employment**

Both temporary and project employees are "at will," meaning an institution can terminate the appointment without notice for any or no reason, provided it is not based on prohibited discrimination. It is recommended that an institution, where practicable, provide a minimum two-week notice of termination.

#### **(2) Family Members**

In accordance with section III.C.(2)(e) of [Regent Policy Document 20-22 Code of Ethics](#), no employee may recommend or make a temporary or project appointment or supervise the position when the person to be hired or supervised is a member of the employee's immediate family.

#### **(3) FLSA Status**

University staff temporary employees are nonexempt from the overtime provisions of the Fair Labor Standards Act (FLSA). If a temporary employee has more than one appointment, under the FLSA all hours worked for a UW System institution within a work week are combined to determine the total hours worked in any given week.

If the employee's duties are exempt from the FLSA overtime provisions, the position should be filled as academic staff – fixed terminal.

See UPS Operational Policy [HR: 4 FLSA Designation](#) for detailed information.

**(4) Notification to Employee of Appointment Terms**

The employing institution is responsible for informing the temporary or project employee of his/her status at the time a temporary or project appointment is made. The temporary or project employee must be given a written communication that includes, at a minimum:

- An explanation of the duties and nature of temporary or project employment, specifically stating that there is no expectation of continued employment.
- An explanation of the potential benefits available to the temporary or project employee.
- A brief summary of the policy regarding temporary or project employment.
- An explanation of the institution's authority to terminate the appointment at any time.
- A place for the appointee and the appointing authority or designee to sign the acknowledgment.

**D. Temporary and Project Employee Benefits**

- (1) Temporary and project employees are subject to the Wisconsin Retirement System (WRS) eligibility requirements in Wis. Stat. §§ [40.02\(26\)](#) and [40.22](#), and in [Chapter 3 of the WRS administrative manual](#).
- (2) All temporary and project employee may participate in the following benefit plans, regardless of whether or not they are covered by the WRS:
  - Tax-Sheltered Annuity 403(b) Program
  - Wisconsin Deferred Compensation 457 Program
  - Long-Term Care Insurance
- (3) Temporary and project employees must be covered by the WRS in order to be eligible for coverage under all benefit plans except those listed in (2) above.

NOTE – employees with a university staff temporary appointment may not participate in the Employee Reimbursement Account (ERA) program.

**(4) Eligibility for Employer Contribution Towards Health Insurance**

**(a) Temporary Employees**

Temporary employees must be covered by the Wisconsin Retirement System in order to be eligible for health insurance. They are eligible for the employer contribution towards health insurance on the first of the month on or following the completion of two months of WRS state service per [Wis. Stat. § 40.05\(4\)\(a\)2](#). If a temporary employee wants to enroll in health insurance when first eligible for the employer contribution towards health insurance, the employee must submit an application on or before the first of the month following the completion of two months for state WRS service.

If an employee holds only one WRS-covered temporary appointment and no other WRS-covered appointment, the employee is required to pay the less-than-half time rates for health insurance.

If an employee has a WRS-covered temporary appointment and at least one other WRS-covered appointment within UW System, and works at least 50% time between the appointments, the employee is eligible for the full employer contribution towards health insurance ([State Group Health Insurance Administration Manual – Section 302B](#)).

**(b) Project Employees**

Project employees are eligible for the employer contribution towards health insurance on the first of the month on or following the completion of two months of WRS state service. If a project employee wants to enroll in health insurance when first eligible for the employer contribution towards health insurance, the employee must submit an application on or before the first of the month following the completion of two months for state WRS service.

Project employees are eligible for the full employer contribution towards health insurance provided they work at least 50% time.

**E. Temporary and Project Employee Paid Leave Benefits**

- (1) Temporary employees are not eligible for paid leave benefits.
- (2) Project employees are eligible for the same paid leave benefits available to university staff with an expectation of continued employment.
  - All leave earned in a project appointment will transfer into any successive leave-eligible appointment.
  - At termination, sick leave is treated like the sick leave for university staff with an expectation of continued employment – see UPS Operational Policy [BN 3: Sick Leave](#) (this includes sick leave reinstatement provisions) for additional information.
    - Time in a project appointment counts towards continuous service.
    - Employees in project appointments on July 1, 2015 who have never attained permanent status will have a continuous service date of July 1, 2015.
    - Employees hired on or after July 1, 2015 will have a continuous service date established.

**5. RELATED DOCUMENTS:**

[UPS Operational Policy BN1: Vacation, Paid Leave Banks, and Vacation Cash Payouts](#)

[UPS Operational Policy BN 2: Personal Holiday and Legal Holiday Administration](#)

[UPS Operational Policy BN 3: Sick Leave](#)

[UPS Operational Policy TC 3: Compensation](#)

[UPS Operational Policy HR 4: FLSA Designation](#)

[State Group Health Insurance Manual \(Chapter 3\)](#)

[Wisconsin Retirement System Manual \(Chapter 3\)](#)

Wis. Stat. § [36.115, Personnel systems](#)  
Financial Administration [G26: Limited Term Employment](#)

**6. POLICY HISTORY:**

Wis. Stat. § [230.26, Limited term appointments](#)

Wis. Stat. § [230.27, Project positions](#)

Wis. Admin. Code § [ER 10.01, Definition and categories of limited term appointments](#)

Wis. Admin. Code § [ER-MRS 1.02, Definitions](#)

Wis. Admin. Code § [ER-MRS 10.04 \(2\), Procedures and records](#)

Wis. Admin. Code § [ER-MRS 24.04\(2\)\(e\), Standards of conduct](#)

Wis. Admin. Code Chapter [ER-MRS 34, Project appointment](#)

Reviewed by the Board of Regents, April 10, 2015