Non-Student Hourly Other Personnel Services (OPS) Employment

Policy Number	3-013
Responsible Authority	Associate Vice President and Chief HR Officer
Initiating Authority	Senior Vice President for Administration and Finance
Effective Date	10/1/2022
Date of Origin	10/1/2022

APPLICABILITY/ACCOUNTABILITY

This policy applies to all non-student hourly OPS employees (full-time and part-time) and the units that hire them. This policy does not apply to student assistants, adjunct faculty, graduate assistants, postdoctoral associates, medical residents, standardized patients, or residents/housing staff.

BACKGROUND INFORMATION

The University of Central Florida hires temporary employees for jobs in which the need is not expected to be recurring. Temporary employees perform work on special projects, assist with workload surges, serve as coverage for staff on leave, provide seasonal help, assist with research, or work on an as-needed basis. The University of Central Florida intends to hire qualified, temporary employees in units to fulfill these short-term staffing needs. This policy outlines employment provisions for all non-student hourly Other Personnel Services (OPS) employees and provides parameters on the appropriate employment of these employees on a term or as-needed basis. The process is initiated with the employing unit by assessing its requirements and determining if hiring a temporary employee is in the university's best interest and within the employing unit's ability to fund. If the unit decides hiring a temporary employee is the optimal solution to achieve its short-term goals, the unit is to follow the procedures outlined in this policy to begin the hiring process.

POLICY STATEMENT

It is the policy of the University of Central Florida to apply consistent standards for the use of employment of non-student hourly OPS employees. To meet short-term or sporadic staffing needs anticipated to last one year or less from the employee's initial hire date, units may employ staff on a temporary basis as a non-student hourly OPS employee. Temporary appointments are not intended to meet ongoing staffing needs, which should be addressed using the hiring process as regulated by Human Resources.

A temporary appointment of a non-student hourly OPS employee may not be made for the purpose of a trial period for an individual being considered for a regular employment appointment or as a "probationary period" preceding regular employment. Non-student hourly OPS employees are hired with no expectation of continued employment, nor do they have grievance or layoff rights. Non-student hourly OPS employees are employed at-will and are not subject to a "just cause" standard for negative personnel actions. The University of Central Florida can terminate, with or without notice, any non-student hourly OPS employee for any lawful reason.

Non-Student Hourly OPS Categories and Hourly Thresholds

A. The total time worked by an individual non-student hourly OPS employee cannot exceed one year from the employee's initial hire date unless they fall in one of the following OPS employee groups:

1. **OPS Health Care**
This category is used for employees in the health care industry who are employed on an as-needed basis, meaning those who are called into action when their services are required (PRN). Employees in this category have a professional certification and specialized skill set, except for standardized patient employees hired to assist with educating medical students or short-term health crisis personnel (i.e., contract tracers related to a pandemic). This category includes Certified Athletic Trainers for Recreation and Wellness programs. This type of employment usually has no set schedule; days and times may vary depending on the situation or need.

2. **OPS Special Project**
This category is used to employ persons to work on a university-wide time-limited project no longer than two years. Project work involves investigating, analyzing, compiling, configuring, arranging, and reporting information, all with a desired result identified. The type of work can vary to include administrative functions, research, technical support, fiscal, and design work. This category is not to be used for persons employed via a grant or as a named party to a contract. While there is no hourly threshold associated with this OPS position, the duration of employment from the initial date of hire cannot exceed two years without written approval from Human Resources.

3. **OPS Valencia College Students & UCF's Downtown Campus**
This category is used to employ students of Valencia College in student-OPS positions at UCF's Downtown Campus. The hiring procedure for hiring student OPS positions may be used for hiring Valencia College students in this category.

4.   OPS Sponsored Projects Services

This category is used for employment for a set time period to deliver a specific product or specific tasks for a sponsored project. Sponsored projects services employment specifies the service or task to be performed and sets an agreeable standard of completion for these services. Once the contract or funding for the specific sponsored project expires, the employment of the individuals in this category terminates. This employment cannot exceed five (5) years for the specific contract or sponsored project that supported the hiring within this category. The hiring procedure for hiring OPS Sponsored Projects Services employees will be the direct hire procedure set forth in Workday.

5.   There may be additional non-student hourly OPS positions that may be given an exception to the one-year duration requirement. The University anticipates this to be a narrow group. Hiring officials who believe that a position qualifies as an exception to the one-year requirement should contact Talent Acquisition in Human Resources, who will assess and determine whether an exception to this requirement is warranted.

B.   Duration
The employing unit is responsible for monitoring the duration and nature of non-student hourly OPS employment to assure correct employment status. If a non-student hourly OPS employee has performed the same duties in the same department in excess of one year from their initial hire date, and their employment has not been casual or sporadic, the employing unit should work with their appropriate Human Resources Business Center to determine the individual's proper employment status and to ensure compliance with this policy. Non-student hourly OPS employees employed at the time this policy becomes effective (October 1, 2022) may be employed for one year from this policy's effective date regardless of the duration of their employment prior to October 1, 2022. At the expiration of that one year (September 30, 2023), the OPS employment must be terminated unless it is determined that the employee qualifies for one of the OPS categories set forth in section (A) above.

C.   For A&P/USPS/Faculty employees who hold an additional temporary role, the secondary non-student hourly OPS position is to be classified as OPS Secondary. *See* UCF Regulation 3.0032 Additional Compensation for UCF Employees.

D.   Individuals who served in a non-student hourly OPS position for one year are eligible to serve in another non-student hourly OPS position in the following circumstances: (1) the individual fills a vacant non-student hourly OPS position in a different department than the one(s) previously served in as an OPS employee performing different or similar duties; or (2) the individual fills a vacant non-student hourly OPS position in the same department but is responsible for significantly new and materially different duties compared to their prior OPS position duties in that department. A consecutive non-student hourly OPS appointment occurs when a non-student hourly OPS employee finishes one appointment and immediately begins another non-student hourly OPS appointment.

Procedures

A.   Hiring Process
Each non-student hourly OPS employee position must have a written job description approved by Human Resources in advance of hiring, and the position must be posted (advertised) on UCF's Human Resources job vacancy website. With the exception of OPS Valencia College student employees and OPS Sponsored Projects Services employees, the

department must then recruit using the same hiring procedure as outlined by Talent Acquisition for USPS employee hires.

In addition, all non-student hourly OPS employees must go through a pre-employment criminal background check and I-9 verification before they start work. Federal statutes, state statutes and/or contracts may require specific criminal background checks on certain positions within the university.

Where a student employee becomes a non-student (i.e., graduation), this individual may serve as a non-student hourly OPS employee for 120 days without posting the position. Upon the expiration of the 120 days, that individual's employment as an OPS employee is to be terminated.

B.   Compensation

Non-student hourly OPS employees must be paid at least the State of Florida minimum wage. The exact level of compensation for these OPS employees is determined by the employing unit. However, the compensation must be an hourly equivalent that falls within the pay-grade range identified by Human Resources as appropriate for the position.

All OPS nonexempt employees, regardless of classification title, must be paid overtime compensation at a rate of not less than one and one-half times their regular rate of pay for time worked in excess of forty (40) hours in a work week. Overtime hours worked should be accurately reflected in UCF's timesheet and ERP system. College/units/departments are responsible for ensuring overtime worked is accurately tracked and paid.

With limited exception (Executive Order 13706), non-student hourly OPS employees are not eligible for any type of paid leave including holidays (unless worked), sick leave, annual leave, or administrative leave.

C.   Benefits Eligibility

In general, non-student hourly OPS employees may be eligible for benefits as required by law and university policies and regulations, or as determined by the state of Florida.

Non-student hourly OPS employment is separate and distinct from university faculty, A&P staff, and USPS staff. Non-student OPS employment does not count toward university or State University System creditable or continuous service, except for purposes of determining health insurance eligibility, as required by the state of Florida, as set forth above. Non-student OPS employment similarly does not count toward university service awards or similar programs.

Additionally, non-student hourly OPS employees participate in the FICA Replacement Plan. Under the FICA Replacement Plan, non-student hourly OPS employees deposit money into a private retirement plan rather than contribute to Social Security. The program is mandatory for eligible employees, who are enrolled automatically.

D.   Applicability of UCF's Employment of Relatives Policy

Non-student hourly OPS employment is subject to UCF's *Employment of Relatives Policy*, No. 3-008. This policy specifically prohibits the appointment of relatives or persons living in the same household to any position where a direct or indirect supervisory relationship would exist between relatives or would create a perceived or actual conflict of interest.

Enforcement

Failure to comply with this policy will result in termination of the non-student hourly OPS employee's employment. If it is determined that another employee intentionally circumvented the requirements of this policy resulting in an OPS employee being employed in a manner inconsistent with this policy's requirements, that employee also could be subjected to disciplinary action, up to and including termination.

RESOURCES

UCF Regulation 3.0032 Additional Compensation for UCF Employees
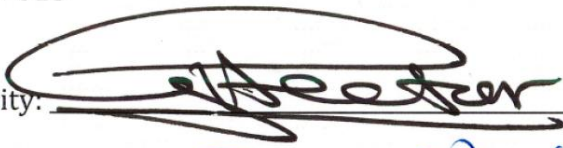
UCF-3.008 Employment of Relatives

Human Resources Hiring Guide

UCF Human Resources – Current Employees

CONTACTS

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POLICY APPROVAL
(For use by the Office of the President)

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Procedures Committee Chair: _____  Date: 5/31/22

President or Designee: _____  Date: 6/20/22
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