



NUMBER: 301

SUBJECT: EMPLOYEE CATEGORIES AND GENERAL PERSONNEL DEFINITIONS

EFFECTIVE DATE: AUGUST 15, 2005

EFFECTIVE DATE OF LAST REVISION: JANUARY 24, 2011; JANUARY 26, 2015

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### **301.1 — EMPLOYEE CATEGORIES**

The purpose of this policy is to define and clarify terms used within the Bridgerland Applied Technology College (BATC) Policy and Procedures Manual as they relate to employees and personnel policies.

#### **301.1.1 — College Employee**

Any individual legally employed by Bridgerland Applied Technology College.

#### **301.1.2 — Exempt Employee**

An employee who meets the exemption criteria under the provisions of the Fair Labor Standards Act (FLSA).

#### **301.1.3 — Non-exempt Employee**

An employee who is not exempt from the provisions of the Fair Labor Standards Act (FLSA).

#### **301.1.4 — Benefits Eligible (Level III) Employee**

Any employee who is hired into a position that is designated as benefits eligible at the time of hiring or as the result of a promotion into a benefits eligible (Level III) position. Employees and positions at BATC that have been designated as Benefits Eligible (Level III) will receive all the benefits normally provided by the College as outlined in other sections of the BATC Policy Manual. See Policy #300D.345

The decision to make a position Benefits Eligible (Level III) rests solely with BATC Administration and will be the result of an analysis of the long-term, legitimate business needs of the College, and will be there for constitute of a pro-active administrative decision. There are no 'automatic triggers' that will convert an Hourly Full-Time (Level II) position or an Hourly Part-Time (Level I) position into a Benefits Eligible (Level III) position.

BATC typically hires Benefits Eligible (Level III) employees on 12 or 9-month agreements. *In certain instances, with the approval of the Campus President or the Vice President for Finance, in an effort to meet College needs and manage costs, some agreements between 9 and 12 months may be approved.* All employment relationships are based on the standard 2,080 (40 hours/week times 52 weeks) work year or a fraction of that time. All Benefits Eligible (Level III) employees are required to work at least three-quarter time (1,560 hours per year out of the standard 2,080 work year) to be benefits eligible. *{Existing long-term employees who were provided benefits prior to the adoption of this policy and are working less than three-quarter time will be allowed to continue receiving these benefits until their retirement or termination. Other exceptions to this rule may be made at the discretion of the Campus President and/or the Vice President for Finance for the benefit of the College.}*

There are two ways in which three-quarter time may be calculated; on either a 9-month basis or a 6-hour per day basis. The number of hours per week has nothing to do with whether an employee is considered to be benefits eligible. BATC has many employees who work more than three-quarter time on a weekly basis, but are in temporary positions and are not considered benefits eligible. The position, number of hours per year, and the duration of the agreement are all considered when determining whether to make a position benefits eligible.

#### **301.1.5 — Hourly Full-Time (Level II) Employee**

Hourly Full-Time (Level II) Employees are those hired into positions paid on an hourly basis where the employee is, at the time of hire or as the result of a promotion into an Hourly Full-Time (Level II) position, not restricted to working less than 130 hours per month on the average. Hourly Full-Time (Level II) Employees and positions are only entitled to those benefits



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required or mandated by Federal or state law.

Employees who meet the definition of Hourly Full-Time (Level II) are “at-will employees” subject to the provisions of Section 300.390 of the Policy Manual, “Employment-at-will--At-will Employees”, and are considered temporary in nature. Any employee who works on a temporary basis for several years is not granted any right to, or expectation of, continued employment or advancement to Benefits Eligible (Level III) status Position.

The decision to make a position Hourly Full-Time (Level II) is entirely at the discretion of BATC Administration and will be the result of an analysis of the legitimate business needs of the College. The decision will be the result of a pro-active administrative action and not a result of accidentally crossing a pre-determined entitlement threshold. There are no automatic triggers that will convert an Hourly Full-Time (Level II) position or an Hourly Part-Time (Level I) position into a Benefits Eligible (Level III) position.

#### **301.1.6 — Hourly Part-Time (Level I) Employee**

Hourly Part-Time (Level II) Employees are those hired into positions paid on an hourly basis where the employee is, at the time of hire, restricted to working less than 130 hours per month on the average. All employees hired, unless specifically designated as Hourly Full-Time (Level II) or Benefits Eligible (Level III) will be considered hourly part-time employees.

Hourly Part-time (Level I) employees, whether paid by the hour (or by the course on a teaching agreement basis), are only entitled to those benefits required by law for their specific positions, if any. Hourly service does not accrue rights or seniority toward a Benefits Eligible (Level III) position or to an Hourly Full-Time (Level II) position. Hourly Part-Time (Level I) employees will be required to apply for Benefits Eligible (Level III) or Hourly Full-Time (Level II) positions along with all other applicants. Hourly Part-Time (Level I) employees, whether paid by the hour (or the course, in a teaching agreement) serve as “at-will employees” (refer to Section 300.390). As such, Hourly Part-Time (Level I), employees do not have a right to an expectation of continued employment. These positions, by their definition, are subject to fluctuations caused by many factors, which include, but are not limited to, changes in enrollment patterns, class/program structures, budget, and economic constraints. Accordingly, Hourly Part-Time (Level I), employees may be subject to dismissal without cause or prior notification.

Hourly Part-Time (Level I) Employees and their respective supervisors are individually and collectively responsible to ensure that hours worked by these employees do not exceed 130 hours per month on average over the period of a year. Anytime it appears that a Level I employees hours are approaching 130 hour per month threshold, both the employee and the supervisor are required to take immediate corrective action to reduce the hours worked, on the average, to a level under the threshold. Failure to do so by the next month will result in appropriate disciplinary action including the possibility of dismissal.

### **301.2 — GENERAL DEFINITIONS**

#### **301.2.1 — Introductory Period of Employment**

The time period designed to help professional and classified employees with job adjustment and to allow both employee and supervisor time to determine whether or not to continue the working relationship. For additional information, please refer to Section 300.395 of the Policy Manual.

#### **301.2.2 — Dismissal**

Includes involuntary termination, reduction in force, and the end of temporary or long-term employment.



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### **301.2.3 — Supervisor**

An individual employed by BATC who has hiring authority, or the authority to make substantial recommendations in the hiring process, and who has a position that directly supervises one or more employee of BATC.

### **301.2.4 — Qualified Beneficiary**

An employee or other individual covered under the College benefit plans at the time of a qualifying event.

### **301.2.5 — Probationary Period**

A period of clearly communicated time (*generally, but not limited to, three [3] weeks to six [6] months*) wherein an employee is expected to address and improve performance or any aspect of their employment as addressed by their supervisor(s).

***Specific employment actions including suspension and/or dismissal can occur at any time during the probationary period if the probationary conditions are not being met by the employee.***

### **301.2.6 — Voluntary Termination**

Occurs when an employee resigns, leaves, retires or, fails to return to BATC of his or her own volition after an approved leave of absence, or is absent from work for more than three (3) consecutive working days without notifying his or her supervisor.

### **301.2.7 — Primary Department**

The department to which the employee is primarily assigned is considered to be the primary department. In situations where an employee is assigned to more than one department, the primary department is the one that assumes more than 50 percent of an employee's salary. If an employee is assigned 50 percent time to two departments, the department *first* employing the employee is the primary department.