

Refer to Section Personnel #11 Labor Standards
Human Affairs Unit
Position Classification



Group I - Exempt or Non-Exempt

Exempt Employees:

These employees are not subject to the wage and hour provision of the Fair Labor Standards Act (FLSA). The FLSA considers these employees to be salaried employees who are paid an established annual salary and are expected to fulfill the duties of their positions regardless of hours worked. Exemption from the both the minimum wage and overtime provision of the law is provided for employees whose job duties meet the established criteria. Job and/or position titles do not determine exempt status. The specific job duties and salary must meet **all** of the criteria in order for the position to be classified as exempt in any particular category. Exemption categories and criteria are as follows:

Executive Exemption:

- The employee must be compensated on a salary basis at a rate not less than \$455.00 per week, annualized salary of \$23,600.00;
- The employee's primary duty must be managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise;
- The employee must customarily and regularly direct the work of at least two or more other full-time employees or their equivalent; and
- The employee must have the authority to hire or fire other employees, or the employee's suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees must be given particular weight.

Administrative Exemption

- The employee must be compensated on a salary basis at a rate not less than \$455.00 per week, annualized salary of \$23,600.00;
- The employee's primary duty must be the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers; and
- The employee's primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.

Learned Professional

- The employee must be compensated on a salary basis at a rate not less than \$455.00 per week, annualized salary of \$23,600.00;
- The employee's primary duty must be the performance of work requiring advanced knowledge, defined as work which is predominantly intellectual in character and which includes work requiring the consistent exercise of discretion and judgment;
- The advanced knowledge must be in a field of science or learning; and
- The advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction.



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Creative Professional

- The employee must be compensated on a salary or fee basis at a rate not less than \$455.00 per week, annualized salary of \$23,600.00;
- The employee's primary duty must be the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor.

Computer Exemption

- The employee must be compensated **either** on a salary basis or fee basis at a rate not less than \$455 per week, annualized salary of \$23,660 **or**, if compensated on an hourly basis, at a rate not less than \$27.63 an hour;
- The employee must be employed as a computer systems analyst, computer programmer, software engineer or other similarly skilled worker in the computer field performing the duties described below;
- The employee's primary duty must consist of:
 1. Application of systems analysis techniques & procedures, including consulting with users, to determine hardware, software or functional specifications;
 2. The design, development, documentation, analysis, creation, testing or modification of computer systems or program, including prototypes, based on and related to user or system design specifications;
 3. The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or
 4. A combination of the aforementioned duties, the performance of which requires the same level of skills.

Employees in exempt positions do not receive premium overtime compensation

Employees in exempt positions report the use of vacation and sick leave **full-day** increments. For example, scheduled medical or personal appointments which require leaving your worksite for a limited number of hours or part of a day are not recorded as hours used against accrued sick leave or vacation time. Only when a full day is taken for medical or vacation leave is recording required.

Recording of time worked is not required for the purposes of receiving their salary. However, recording of absences may be required for attendance records.

Non-exempt Employees:

These employees are subject to the wage and hour provisions of the Fair Labor Standards Act (FLSA). They must be paid at least the current state or federal minimum wage, whichever is higher. The primary duties of these employees consist of work that is typically standardized, clerical or manual work not related to management policies. The FLSA requires that these employees be compensated for qualified overtime hours at the premium (one and-one-half times regular pay) rate.

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1. Nonexempt employees perform routine work and have minimal general supervisory responsibilities. They are compensated on an hourly pay-rate basis.
2. All non-exempt employees must complete a timecard, to be signed by the supervisor in order to be paid.
3. For all hours worked over forty (40) in a workweek, premium overtime will be paid at the rate of one-and-one-half times the regular rate of pay.
4. Vacation and sick leave use will be recorded to the nearest one-quarter hour and submitted on the timecard.
5. When an employee has exhausted all available accrued vacation and sick leave, salary will be reduced (docked) in proportion to any absences from scheduled work time.
6. Overtime shall **always** be authorized in advance by the supervisor.

Group II - Faculty or Staff

Faculty. These employees possess requisite credentials for the teaching profession who are retained for the primary purpose of the instruction of students and the management of matters pertaining immediately thereto.

Staff. These employees are responsible for the general operation of the college outside the area of academic instruction.

1. Senior Officers. These employees are the chief administrators of the college. The president reports directly to the board of trustees. The other senior officers report directly to the provost of the college.
2. Administrative Staff. These employees are middle level administrators and report directly to a senior officer.
3. Support Staff. These employees perform clerical, stable, recruiting, facilities and various other support duties. They report to a senior officer and/or a member of the administrative staff and/or an immediate supervisor who may be another support staff employee or an outside contractor.

Group III - Regular or Temporary

1. Regular. A regular employee is hired for an unspecified period of time.

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2. Temporary. A temporary employee is hired for a specified period of time.

Group IV - Full Time or Part Time or Adjunct

1. Full Time. Full-time employees work 40 hours per week.
2. Part Time. Part-time employees work less than thirty hours per week. A part-time faculty is regarded as one who performs instructional activities only and appointment is at one-half time or less. Regular part-time faculty normally have indefinite renewable one-year appointments.
3. Adjunct Faculty. Faculty members hired specifically to teach in discrete courses on a semester-by-semester basis.

WORK BREAKS

In accordance with KRS 337.355, an employee is to be provided a reasonable period for lunch and such time shall be as close to the middle of the employee's scheduled work shift as possible.

Lunch Breaks

1. Supervisors will coordinate lunch schedules in individual departments.
2. One hour is provided for regularly scheduled lunch breaks.
3. Lunch breaks are unpaid time.

Rest Breaks

1. Whenever practical, employees are to receive a rest break of fifteen minutes at approximately the middle of every four hours of work not broken by a meal period.
2. Rest periods should be arranged so that disruptions of work and services are minimal.
3. Rest periods are not cumulative.
4. Rest periods are intended as a recess to be preceded and followed by an extended work period. Consequently, they may not be used to cover a staff member's late arrival or early departure or to extend a lunch period.
5. Rest periods are paid time and will be spent on college property.

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WORK HOURS

1. All full time regular employees work a standard 40-hour work week.
2. One hour is designated for lunch. It is the responsibility of supervisors to ensure that all employees take a lunch break. Lunch breaks must be taken not less than 3 hours after and no more than 5 hours after the start of the work day.
3. Employee work schedules are determined by the supervisors in the individual departments according to staffing and required office hours.
4. Employees shall notify their supervisors prior to the beginning of their workday if they will be absent from work. Punctuality and regular attendance are important factors in consideration for job evaluation, retention, and advancement.