

## **Policy 1325 Wage Employment**

**Date of Current Revision: February, 2008**  
**Responsible Office: Director of Human Resources**

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### **1. PURPOSE**

It is the policy of the university to employ qualified persons for wage employment in order to meet personnel needs as outlined below. The objective of this policy is to define wage employment and to outline the conditions of employment for wage employees.

### **2. AUTHORITY**

This policy complies with the Virginia Department of Human Resource Management. The university reserves the right to revise, change, or eliminate this policy as necessary.

### **3. DEFINITIONS**

#### **At-Will Employment**

An employee who is working 'at-will' may resign from work or be terminated from work, with or without cause, with or without severance, or advance notice. Wage employees are 'at-will' employees.

#### **Wage Employment:**

Employment within the university to meet part-time, temporary, or seasonal needs. Wage employment is synonymous with "1500-hour" employment. Wage employees are not covered by the Virginia Personnel Act provided in section 2.2-2905 of the Code of Virginia and serve at the will of the university.

Wage employees are limited to working no more than 1,500 hours per 365-consecutive-day period. When employees reach the maximum of 1,500 hours, they may not work again until after the 365-day period has elapsed. The employee's anniversary date will always remain the initial date of hire, unless the wage employee is separated from active service for a period greater than 365 days.

*Example: A wage employee is hired and her first day of work is April 1, 2007. Her anniversary date will always be April 1, unless the employee does not work at all (for whatever reason) until after April 1 2009 (one year after her first anniversary date of April 1, 2007).*

All hours worked for the university during a wage employee's 365-consecutive-day period count towards their 1,500-hour limit.

*Example: If an employee works two wage jobs at the university, they may only work a total of 1,500 hours in both jobs combined – 500 hours in one job and 1,000 hours in the other job.*

### **4. APPLICABILITY**

This policy applies to all wage employees and, where applicable, to their supervisors.

### **5. POLICY**

Wage employees shall be hired strictly on a part-time, at-will basis.

Wage employment is intended to provide additional staff for part-time, seasonal, peak workloads, interim replacements, short-term projects, or jobs that do not necessitate full-time classified employees.

Wage employees are not covered by the provisions of the Virginia Personnel Act. They serve at the will and pleasure of the university. They may compete for full-time classified positions, including agency-only recruitment. However, when hired into a classified position, service as a wage employee does not count toward any form of continuous state service. Wage employees entering full-time employment must serve a probationary period.

Newly hired or rehired (separated for more than 120 days) wage employees will undergo a criminal history record check in accordance with University Policy 1321.

## **6. PROCEDURES**

6.1 Wage employees shall have their hours of work calculated for each 365-consecutive-day period and shall have their hours of work limited to 1,500 hours per period.

6.2 Once an employee has reached the maximum of 1,500 hours, the employee may not be permitted to work again until that employee's full 365-consecutive-day period has expired. Rehiring an employee whose 1500-hour allotment has been exhausted before the expiration of the 365-day period is strictly prohibited.

6.3 Wage employees may only remain active employees of record during the period of actual employment. This means that wage employees may not remain active in the university's employee data base (and therefore retain any rights and privileges of active employees) for more than 60 days or 4 pay periods (which ever is greater) without having any hours worked entered into the JMU Time Entry system.

6.4 On a monthly basis, Human Resources will notify supervisors of wage employees who have not worked any hours in the preceding 60 day period. Supervisors will be provided with a deadline to either submit a Personnel Action Request form to terminate the employee or HR will process a termination for the employee(s).

### **6.5 Compensation**

Wage employees shall be paid only for actual hours worked.

The university generally pays the minimum sufficient to attract suitably qualified applicants for job openings. Inexperienced applicants normally should be hired at the minimum of the pay band. Applicants with experience related to the position may be hired at a rate higher than the pay band minimum with prior approval from Human Resources.

In most cases, the starting pay should not exceed the applicant's final pre-employment wage/salary by more than 10%.

Wage employees may receive wage increases granted by the Governor and/or the General Assembly. Wage adjustments will be made when advised to do so by the Virginia Department of Human Resource Management.

Wage employees, except those who meet the criteria for exempt status, are considered non-exempt for the purposes of application of the Fair Labor Standards Act and must be paid overtime at the one and one-half time rate for hours worked over 40 in a workweek in accordance with

Human Resources Policy 1303. Therefore, records of hours worked must be kept for all wage employees, regardless of their status.

Direct deposit of pay is a condition of employment for all wage employees.

## 6.6 Benefits

Wage employees are covered under the Virginia Workers Compensation Act. When eligibility is established, compensation is provided by the university.

Wage employees shall be allowed leave without pay for military service in the reserve components. When a wage employee enters active military service, reemployment will be granted under the terms provided for in the United Services Employment and Reemployment Rights Act.

Wage employees cannot accrue paid leave and shall be paid only for holidays worked.

Wage employees cannot accrue compensatory time or overtime leave credits.

Wage employees who meet eligibility requirements may take up to 12 weeks of unpaid family or medical leave as outlined in the Family and Medical Leave Act.

Wage employees cannot participate in the state's health insurance, life insurance, retirement, or other benefit programs. However, wage employees may participate in tax deferred compensation programs.

Non-student, wage employees, who meet the criteria, are eligible for on-campus waiver of tuition in accordance with University Policy 1402. Wage employees are not eligible for tuition reimbursement for courses taken at other educational institutions in accordance with University Policy 1401.

Wage employees are not eligible to use the state grievance procedure. However, they may consult with the Department of Employment Dispute Resolution concerning work-related problems. University mediation services are available to wage employees.

Wage employees are issued JMU Access (JAC) cards.

## 7. RESPONSIBILITY

Division heads, academic deans, and department heads are responsible for the consistent application of this policy and are responsible for ensuring hours worked are consistent with this policy. The monitoring of hours is the responsibility of the hiring supervisor.

Human Resources will notify the hiring supervisor when their wage employee(s) are approaching the 1500-hour cap on hours within the 365-consecutive-day period.

## 8. SANCTIONS

Employees who violate this policy, particularly supervisors of wage employees who allow a wage employee to work more than 1,500 hours in the 365-consecutive-day-period, are subject to discipline commensurate with the severity and/or frequency of the offense and may include termination of employment.

## 9. EXCLUSIONS

This policy does not apply to classified employees, instructional or administrative & professional faculty members.

## **10. INTERPRETATION**

The authority to interpret this policy rests with the president, and is generally delegated to the Director, Human Resources.

Previous Version: April 2007

Approved by the President: March 1999

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