

## LINCOLN UNIVERSITY

<b>Policy:</b>	<b>Employment and Hiring</b>
<b>Policy Number:</b>	<b>HRM – 105</b>
<b>Effective Date:</b>	<b>August 11, 2009</b>
<b>Revisions:</b>	<b>September 21, 1999 and April 16, 2008, formerly titled, “Employment Categories”; Replaces Policies on Employment Categories, Hiring, Employment of Foreign Nationals, and Pre-employment Screening, August 2011</b>
<b>Next Review Date:</b>	<b>August 2013, February 2023</b>
<b>Review Officer:</b>	<b>Chief Human Resources Officer</b>
<b>Status:</b>	<b>Approved by President and Active</b>

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### Introduction and Purpose

This policy and Lincoln University's employment and hiring practices are designed to comply with applicable federal and state laws and regulations. Lincoln University believes that hiring the most suitable candidates to fill positions contributes to the overall strategic success of the University. Each employee is hired to make significant contributions to the University. It is the purpose of this policy to provide instructions, and set forth the basic principles to be followed in the administration of the employment and hiring procedures. It is also intended to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility.

### 1. Policy

- 1.1 It is the policy of the University to follow the employment provisions of the Pennsylvania Human Relations Act: “to prevent and eliminate unlawful discriminatory practices in employment because of race, color, religion, ancestry, age (40 and above), sex, national origin, non-job-related handicap, or disability” and to follow all applicable federal and state employment laws.
- 1.2 As is set forth in the University's Equal Employment Opportunity, Nondiscrimination, and Affirmative Action Policy (Policy HRM – 101), The University does not discriminate on the basis of race, color, religion, gender, age, national origin, disability, or sexual orientation.
- 1.3 By authority of the Board of Trustees, the President, and Vice Presidents with written delegation of authority, or his/her designee, Chief Human Resources Officer with written delegation, is authorized to make offers of employment and to employ personnel. Administrators other than the President are authorized only to make recommendations for employment, but only the President or his/her designee can make a binding offer of

employment, and this will be done only in writing by the President or his/her designee.

- 1.4 HR shall establish, maintain, and disseminate procedures for pre- and post-hire actions, including but not limited to position control, personnel requisition, job posting and advertising, interview and selection, relocation, position reclassification, accommodations, performance management, and discipline to monitor and ensure compliance with applicable local, state, and federal laws.

## **2. Employment Classifications**

- 2.1 Regular Full-Time Employees are employees who (i) are not in Temporary, Part-Time, Regular Part-Time, Casual/Seasonal, or introductory status and who (ii), if non-faculty employees, are regularly scheduled for an indefinite period to work at least thirty (30) hours per week or such other minimum number of hours for full time as may be expressly provided by any applicable CBA to be considered regular full-time, or, if faculty employees, teach a full course load of twelve (12) or more credits per semester for an indefinite duration. Generally, a Regular Full-Time employee may elect to participate in most University benefits plans when eligible, subject to the terms, conditions, and limitations of each benefit program and terms of a CBA, if applicable.
- 2.2 Regular Part-Time Employees are employees who (i) are not in a Temporary, Full-Time, Casual/Seasonal, or introductory status and (ii) are regularly scheduled to work less than the full-time work schedule but who, if non-faculty, are regularly scheduled to work at least twenty (20) hours per week, or, if faculty, teach at least six (6) but less than twelve (12) course credits per semester, for an indefinite duration. Employees who are not in a Temporary, Full-Time, Casual/Seasonal, or introductory status and who are regularly scheduled to work less than twenty (20) hours per week for an indefinite period are simply considered "*Part-Time Employees*." Part-Time Employees who are not Regular Part-Time generally are not eligible to participate in any way in University sponsored benefits, except where mandated by law.
- 2.3 Temporary Employees are those employed for short-term assignments, not to extend beyond one year. Employment beyond any initially stated period does not imply, in any way, a change in employment status. Temporary Employees retain such classification unless and until notified of a change. Each Temporary Employee must be supervised on a regular basis and may not work more than 999 hours in any one-year period. Temporary Employees are not eligible to participate in University-sponsored employee benefits, except where mandated by law.

- 2.4 Casual / Seasonal Employees work for the University for a specifically defined period, on an “as-needed” (per diem) and/or “call-in” basis. Such employees are paid for actual hours worked or for the number of approved course credits taught; and are not eligible to participate in University-sponsored benefits except where mandated by law.

### **3. Exempt and Non-exempt Job Classifications Under the Fair Labor Standards Act (FLSA)**

Each University job is designated as either exempt or non-exempt from certain federal and state wage and hour laws based upon the employee’s job duties. The University shall inform each employee of his/her classification upon hire or a change in position or employment status. The general differences between exempt and non-exempt positions are as follows:

- 3.1 Exempt: An employee whose position meets the specific exemption tests established by the Fair Labor Standards Act (FLSA) and Pennsylvania law is exempt from overtime pay and certain other requirements. Salary for employees in exempt positions is designed to compensate for all hours required to perform the specific job. In accordance with the FLSA, exempt employees do not have their pay reduced by the University for variations in the quantity or quality of work performed.
- 3.2 Non-Exempt: An employee whose position does not meet the FLSA and Pennsylvania exemption tests is entitled to the applicable overtime pay rate as specified by state and/or federal wage and hour laws. Employees in this category receive overtime pay for work in excess of 40 hours in a workweek (or according to the applicable CBA).

### **4. Employment of Relatives**

- 4.1 Employees shall not be placed in positions where they would supervise or be supervised by a relative. The term “relative” for the specific purposes of this section (but not necessarily for other purposes) includes the following relationships whether established by blood, marriage, or other legal action: spouse, parent, child, step relative, niece, nephew, brother, sister, cousin, grandparent, grandchild, parent- in-law, sibling in law, members of the employee’s household or any person with whom the employee has a similar close personal relationship, such as domestic partner or co-habitant.
- 4.2 The University shall permit relatives to work at the University based on their qualifications. Relatives shall not be hired, however, if employment would:

- Create a supervisor/subordinate relationship with a relative.
- Have the potential for creating an adverse impact on work performance; or
- Create either an actual conflict of interest or the appearance of a potential conflict of interest.

4.3 Employees who become relatives or establish a domestic relationship may continue employment as long as it does not involve any of the above three conditions. If one of the conditions should occur, an attempt may be made to find a suitable position within the University to which one of the employees will transfer. If employees become family members or establish a domestic relationship or other relationship described in this Section during their employment with the University, the University may make reasonable efforts to assign job duties to minimize problems of supervision, safety, security, and morale.

## **5. Outside Employment**

5.1 Outside employment is prohibited for Directors or above to the extent that it conflicts with an employee's University scheduled working hours and assigned duties, or the University's Code of Conduct. Special consideration may be granted by the President. The term "outside employment" includes, but is not limited to, other full-time/part-time employment, personal or side businesses, independent sales, consulting, free-lancing, etc. Therefore, employees (subject to any more restrictive departmental rules or any differing applicable CBA provisions) may hold outside jobs as long as they meet the performance standards of their job with the University. All employees will be held to the same performance standards and remain subject to the University's scheduling demands regardless of any existing outside employment commitments. Employees are strictly prohibited from conducting non-University related business, i.e., business pertaining to outside employment, while fulfilling his or her University work-related duties on University time.

5.2 In the event an employee's outside work should interfere with his or her performance or the ability to meet the requirements of the University as they are modified from time to time, the employee may be asked to terminate the outside employment if he/she wishes to remain employed with the University. In addition, outside employment that constitutes a conflict of interest is in all circumstances prohibited.

- 5.3 Generally, outside employment is prohibited for 12-month senior level administrative employees, i.e., Vice Presidents, Deans, and Directors. However, sporadic or temporary outside employment, i.e., consulting assignments may be authorized by the President upon written disclosure by the employee to the President. Employees employed outside of the University are subject to the guidelines in Sections 5.1 and 5.2 of this Policy.

## **6. Employment and Sponsorship of Foreign Nationals**

- 6.1. The University shall employ only foreign nationals that qualify for temporary or permanent admission to the United States based on employment. Employment of foreign nationals shall be authorized when the provisions of this policy and the conditions set forth by the U.S. Department of Labor (DOL) and U.S. Citizenship and Immigration Services (USCIS) are met. The Federal government has established strict requirements with respect to the approval of employment based immigration and nonimmigrant employment. Thus, the University will only function as the petitioner for an alien worker or nonimmigrant worker when permitted by law.
- 6.2. The University may sponsor foreign nationals who qualify as full-time, regular employees in tenured and tenure-track academic job classifications provided the appropriate Dean and Vice President agree to support the application/petition. These positions include Professor, Associate Professor, Assistant Professor, and Instructor. A department may request an exception if unique circumstances justify the sponsorship of a particular employee.
- 6.3. HR shall maintain Employment and Sponsorship Guidelines to process and to facilitate the policy on Employment and Sponsorship of Foreign Nationals. HR shall process all applications and petitions concerning the employment of foreign nationals. Applications and petitions will only be processed by the University when sponsorship is appropriate, as determined by the laws governing employment and sponsorship of foreign nationals.
- 6.4. All questions regarding the sponsorship process shall be submitted to the Chief Human Resources Officer, including but not limited to questions concerning the preparation of applications and petitions and the allocation and payment of filing fees and other associated expenses where applicable. The University cannot guarantee the certification of any application or the approval of any petition by the reviewing government agency. In cases involving sponsorship for permanent residency based on employment, the University is not responsible for facilitating the adjustment of status of a foreign national to a lawful permanent resident.

## **7. Pre-Employment Screening**

The University shall conduct pre-employment screening prospective employees and shall take steps to protect the privacy and security of such information obtained. The University shall require that an offer of employment is contingent on the results of the screening and the prospective employee being free of drug abuse/addiction. HR shall establish and maintain procedures for pre-employment, post-offer screening, which shall include education, credential, and previous employment verification, criminal history background check, and drug testing. Any applicant who refuses to take the drug test according to the established procedures, attempts to alter or falsify the results, or tests positive for illegal drugs on the drug test shall not be eligible for employment with the University. For positions located in the City of Philadelphia, the University will comply with the Philadelphia Fair Chance Hiring Law and all other applicable laws and ordinances when conducting criminal history background checks. A criminal history background check will be performed only after a conditional offer of employment has been extended.

## **8. Employment Status Confirmation**

The University shall provide written confirmation of all employment offers and appointments, as well as all promotions, demotions, transfers, and other changes in employment status.

## **9. ADA Accommodation**

If, at the time of an employment offer, a candidate indicates the need for a workplace accommodation due to a disability, the Director of Human Resources or designee will work with the individual to initiate the interactive process of attempting to determine a reasonable accommodation in accordance with all applicable laws, including the Americans with Disabilities Act (ADA).

## **10. Employment Status Changes / Termination of Employment**

The rules and procedures for handling employment status changes vary according to the voluntary or involuntary nature of the change, guidelines established by the CBA, when applicable, and the general circumstances involved. Refer to University Policy HRM – 117, *Termination of the Employment Relationship* regarding specific information on retirement, voluntary resignation, and involuntary termination / dismissal, and involuntary termination / dismissal appeal.

## **11. Reduction in Force**

In its sole discretion, the University may decide to restructure or reduce its workforce. The University shall attempt to provide advance notice to those

employees affected by the reduction. Except to the extent provided otherwise by an applicable CBA, factors which the University may use in selecting employees for layoff and/or changes in work schedule, include, but are not limited to, budgetary constraints or lack of funds, reorganization logistics or needs, program

modifications, business or operational requirements, end of work assignment, outsourcing of position, or lack of work.

## **12. Dissemination and Enforcement of Policy**

- 12.1 The policy shall be made available to all employees within the University and published on the University's Internet website.
- 12.2 The University President, each Vice President, Director, Dean, Manager, Department Chair or Supervisor shall ensure the enforcement of the policy within his or her assigned area(s) of oversight.

### ***References:***

Policy HRM – 117, *Termination of the Employment Relationship*

### ***Questions regarding this Policy may be directed to:***

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