

STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

PROCEDURE

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TITLE: TEMPORARY EMPLOYMENT

POLICY
REFERENCE NUMBER: 8-7-100

DIVISION OF
RESPONSIBILITY: Human Resource Services

DATE OF LAST REVISION: September 9, 2021

DISCLAIMER

PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SC STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION / THE SC TECHNICAL COLLEGE SYSTEM. THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION/THE SC TECHNICAL COLLEGE SYSTEM RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

Entities within the South Carolina Technical College System (SCTCS) may employ individuals in a temporary status to perform specific duties and responsibilities for defined projects or a period of time. Temporary employees are those who work full-time or part-time hours which do not occupy a full-time equivalent (FTE) position and are not covered employees, as defined by State Human Resources Regulations. Examples of temporary employees include, but are not limited to, adjunct faculty (please refer to Procedure 8-2-105.1), seasonal staff and staff in temporary positions who work full or part-time hours.

All personnel employed in a temporary status are subject to the following provisions:

- 1) The period of employment, on a full-time or part-time basis, may not exceed twelve (12) consecutive months.

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2) Employees are eligible for retirement benefits under the S.C. Retirement System or State Optional Retirement Program (ORP).

3) Health Insurance Eligibility

A. Employees are eligible for health coverage¹ benefits unless one of the following apply:

- Non-Instructional staff and CCE (non-credit) adjunct employees who work less than 30 hours average per week.
- Credit adjunct faculty as calculated by the Reasonable Method or Safe Harbor Method described below.
- Temporary employees who are employed in multiple positions that run concurrently who work or have service hours less than a combined total of 30 hours average per week within the guidelines 3. A. and B.

B. The following two methods are to be used for determining adjunct eligibility.

1. Reasonable Method

Credit adjunct faculty who teach less than 75% of the college's FTE faculty full load are not eligible for benefits. This translates to a range of 11 to 13 credit hours or 14 to 17 contact hours

2. Safe Harbor Method (Service Hours Calculation)

- a. Allow 2.25 hours of service (representing a combination of teaching or classroom time and time performing related tasks such as class preparation and grading of examinations or papers) per week for each hour of teaching or classroom time (in other words, in addition to crediting an hour of service for each hour teaching in the classroom, this method would credit an additional 1.25 hours for activities such as class preparation and grading) and/or,

¹ Health coverage benefits are administered in accordance with the Public Employee Benefits Authority's (PEBA) guidelines.

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- b. An hour of service per week for each additional hour outside of the classroom the faculty member spends performing duties he or she is required to perform (such as required office hours or required attendance at faculty meetings).
- 4) Non-Instructional staff are not considered salaried employees and shall be paid at an hourly pay rate for actual hours worked during each pay period.
- 5) Compensation for temporary (adjunct) faculty shall be based on the hourly or flat rate of pay based on the number of contact or credit hours. Payment may be at a frequency consistent with the College's established payroll processing. The payment may be made in approximate equal installments over the term of the teaching agreement so long as the compensation paid does not exceed the actual hours worked at any point in time.
- 6) Temporary employees are not eligible for paid leave nor other benefits normally associated with employees in FTE positions except as indicated above.
- 7) Temporary employees are deemed as employed at-will and will not be considered for either probationary or covered status. They do not have the right to submit grievances or appeals to the State Employee Grievance Committee and can only make an informal complaint by accessing the institution's internal policy and/or procedure². Matters arising from alleged acts of discrimination because of race, color, religion, sex (including pregnancy, childbirth, lactation, or related medical condition), national origin, age (40 or older), disability, genetic information or any other protected classes deemed unlawful under the State or Federal law may be filed within the agency, the South Carolina Human Affairs Commission, or the Equal Employment Opportunity Commission.
- 8) Temporary employees do not have the rights or protection of the State Board for Technical and Comprehensive Education (SBTCE) Reduction In Force Procedure and are subject to termination in order to provide continued employment for an employee affected by an institutional RIF.
- 9) Temporary positions are covered by the same employment laws as covered positions including Fair Hiring Practices, Nepotism, Fair Labor Standards Act, Family Medical Leave Act (FMLA), Patient Protection and Affordable Care Act (PPACA) etc.

² Informal complaints may be filed with an employee's Human Resource Officer. Each college and the System Office must develop its own process for handling informal complaints.

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Colleges may develop an institutional policy or procedure explaining the college's philosophy for the use of the temporary employment status and defining the college's temporary employment process within the above prescribed guidelines.