

HUMAN RESOURCES

Terms and Conditions of Employment

Authorization for and Conditions of Employment--Temporary Employees

This regulation supersedes Regulation 4310.5.

I. PURPOSE

To establish procedures concerning the hiring, retaining, and separating of temporary employees and concerning temporary assignments of current employees.

II. SUMMARY OF CHANGES SINCE LAST PUBLICATION

Section IV.B.1. clarifies hourly rate of pay.

III. DEFINITIONS

A. Temporary Employees

Temporary refers to any employee paid hourly who works on an as-needed basis. Temporary employees may only be hired to fill designated temporary assignments. Each temporary assignment shall be for a maximum of one year, except for a Fairfax County Public Schools (FCPS) retiree who is receiving pension benefits and is limited to 1,040 hours per year in accordance with the current version of Regulation 4774.

B. Temporary Assignments

Employees who hold full-time or less-than-full-time positions may be hired for temporary assignments after their normal work or contract days or years. Examples of these temporary assignments include summer school, curriculum development, in-service presentations, school grant projects, test proctoring on weekends, etc. Temporary personnel affected by this regulation include administrative, professional, technical, clerical, custodial, maintenance, transportation, and food service employees and dining room assistants. Temporary duties may not be undertaken during the normal work or contract day or year.

C. Overtime

Temporary unified-scale employees, instructional assistants, as well as any employee paid on an hourly basis shall receive overtime pay for all Fair Labor Standards Act (FLSA) nonexempt eligible hours worked in excess of 40 hours per week whether for a single position or for combined hours allocated among all such positions. Overtime premiums for employees who work in multiple nonexempt positions will be calculated based on the weighted average of the employee's

regular rate of pay for each such position, unless the Department of Human Resources has approved separate rates for each position in advance.

D. Employment Requirements and Background Checks

1. Temporary employees shall be subject to the same employment requirements as required for regular FCPS employees, including, but not limited to, Employment Eligibility Verification form I-9, fingerprinting, a name search of the sex offender registry, and tuberculin testing.
2. Any adult (18 years or older) involved in a booster club or PTA priority after-hours program having contact with children shall be subject to background checks as detailed in Section III.D.1.

IV. PROCEDURES

A. Hiring

When an individual is hired as a temporary employee, program managers shall advise the employee that his or her term of employment is limited by funding authorized for one fiscal year. The employee shall also be informed:

1. That he or she is entitled to receive Social Security as a benefit and may participate in the tax-deferred annuity program.
2. That employees who are paid monthly or biweekly and who receive supplemental pay will be paid for supplemental assignments with the same frequency as they are paid for their regular assignments—monthly or biweekly. The same tax rate shall be used for both paychecks.
3. Unless the employee's employment agreement specifically provides otherwise, that employment is "at will," meaning that the employee may resign and the employer may terminate employment at any time, with or without cause."

B. Salary and Benefit Payments for Temporary Employees

The salary notification shall contain a statement advising the employee:

1. That his or her hourly rate of pay may vary based on assignment.
2. Of the fiscal year in which the funding for his or her employment is authorized.
3. Of the fact that he or she will be separated no later than June 30 because his or her employment was temporary and contingent on funding approved by the School Board for one fiscal year.

C. Additional Pay for Temporary Assignments

Employees who are assigned temporarily may be paid by contract (supplemented positions), by employment agreement (summer school), through a Temporary Assignment Pay Authorization (Attachment A), or by the principal or program manager using the appropriate hourly pay band.

1. Supplemented Positions

Information concerning supplemented positions may be found in the policy, regulation, and notices beginning with number 4650.

2. Summer School Employment Agreement

This document is used to hire employees for summer school. These agreements are covered in the regulation and notices beginning with number 4235.

3. Temporary Assignment Pay Authorization

This form is to be used to hire current employees working in the following temporary assignments:

- a. Extended workday and/or work year assignments. (An employee in such an assignment shall be paid the same rate of pay as he or she receives in his or her regular position. Examples include: an office assistant who completes the additional hours in the workday at the same location, in an hourly capacity, and performs the same duties in a before- and after-work year assignment; employees who are paid to report to work before and after their normal work years begin; and employees who open new schools or food service workers who open and close school kitchens.)
- b. Summer school rate of pay assignment. (An employee in such an assignment works in a position for which the rate of pay for the assignment is per diem or capped based on the School Board's approved budget.)

4. Hourly Pay Bands for Current Employees

All hourly employees are to be paid using one of the hourly pay bands assigned, based on the type of work the employees will be expected to perform. Principals and program managers are responsible for selecting the appropriate hourly pay band for the assignment. To access the current hourly pay bands, refer to the *Wage and Salary Handbook* or go online to <http://www.fcps.edu/DHR/salary.htm>.

D. Employment in Future Years

Decisions about temporary employment or temporary assignments in future years shall be made on an annual basis, based on funding availability and approval of the appropriate program manager.

See also the current versions of: Regulation 4235, Summer Employment—Educational Personnel
Notice 4235, Summer School Employment
Policy 4650, Salary Supplements
Regulation 4650, Salary Supplements
Notice 4650, Salary Supplements
Regulation 4774, Reemployment of Retirees

Attachment



TEMPORARY ASSIGNMENT PAY AUTHORIZATION

Date: _____

To: **DEPARTMENT OF HUMAN RESOURCES, Office of Salary Services**

From: _____
Program Manager Work Location

PLEASE SELECT **ONE** OF THE FOLLOWING CATEGORIES.

New Temporary Employee:

*All new temporary employees **MUST** report to the Department of Human Resources to be hired and processed prior to the beginning date of assignment.*

Current Employee:

- Extended Day and/or Year Assignment:** An employee in such an assignment shall be paid the same rate of pay as he or she receives in his or her regular position. Examples include: a part-time office assistant who completes additional hours in the workday at the same location, in an hourly capacity, and performs the same duties or a full- or part-time employee who works in a before- and after-work-year assignment; employees who are paid to report to work before and after their normal work year begins; and employees who open new schools or food service workers who open and close school kitchens.
- Summer Rate Assignment:** An employee in such an assignment works in a position at the summer school rate as approved by the School Board. (either per diem, pay-band, or at a capped rate of pay) **This assignment is for summer employment during July and August only.**

(If more than one employee is being assigned, a list may be attached with names and employee numbers.)

Type of Assignment: _____

Beginning Date of Assignment: _____

Projected End Date of Assignment: _____
(Will be June 30 unless otherwise specified.)

Full Name of Employee: _____

Social Security Number: _____ Employee Number: _____

APPROVED: _____
Program Manager's or His or Her Designee's Signature